

CERTIFICATION REGARDING
NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW ACT

The undersigned, **John Henderson**, Senior Vice President of Citiva Medical, LLC (the "**Company**") and authorized signatory of the Company, does hereby certify and confirm the following:

- (1) On or about December 10, 2021, the Company submitted an application (the "**Application**") to the Orange County Industrial Development Agency ("**Agency**") to obtain certain financial assistance in the form of exemptions from New York State ("**State**") and local sales and use tax and real property tax abatement (collectively, the "**Financial Assistance**") in connection with the continuation of a partially completed construction project (the "**Construction Project**") located at 65-75 John Hicks Drive, Warwick, New York (the "**Property**"). The Property is a parcel of land located on a ten (10) lot subdivision (the "**Subdivision**"), which Subdivision was the site of the former State Mid-Orange Correctional Facility.
- (2) The preliminary phase of the Construction Project was completed on or about November 1, 2021, which consisted of the preparatory work and initial partial construction of an approximately 128,000 sq. ft. facility to be used as a fully operational, permanent manufacturing facility located at the Property ("**Facility**") that would allow for the cultivation, processing, and sale of medical marijuana produced at the Facility. The Company states in the Application that the Construction Project will be completed in phases.
- (3) The first phase of the Construction Project (the "**Project**") (which prompted the Company to submit the Application to the Agency) will consist of the interior buildout of the headhouse and processing facility (which will serve as the operational nerve center for manufacturing and processing activities), containing approximately 30,000 (+/-) square feet and the construction of the first one-third of the greenhouse (for the cultivation of cannabis plants), containing approximately 38,000 (+/-) square feet of space. Once the first phase of the Construction Project is complete, the Company will commence the second phase of the Construction Project, which includes constructing the remaining portion of the greenhouse.
- (4) In 2013, the Town of Warwick Planning Board (the "**Planning Board**") was designated as the lead agency under the New York State Environmental Quality Review Act ("**SEQRA**") to conduct the environmental review of the Subdivision, which subdivided approximately 48.6 acres of land. The Planning Board determined that the Subdivision constituted a Type I action in accordance with Section 617.4 of SEQRA.
- (5) On November 6, 2013, the Planning Board adopted a comprehensive Negative Declaration (the "**Negative Declaration**") outlining the potential for environmental impacts in twenty-four separate topical areas. The Negative Declaration is attached to this Certification as

Exhibit A. In the Negative Declaration, the Planning Board identified within each of the twenty-four topical areas certain analyses, maintenance plans, and other environmental requirements that must be conducted and/or adhered to by future businesses and owners of the parcels in the Subdivision. The Facility, the Construction Project and the Project are located within the Subdivision and are subject to these requirements. The Negative Declaration also requires strict compliance with all federal, state, and local laws, codes, and statutes.

- (6) The Negative Declaration identified certain "impact thresholds" that would apply to all new businesses proposing to build or acquire land within the Subdivision (the "***Impact Thresholds***"). The Negative Declaration states that if a new business or landowner in the Subdivision fails to comply with any of the Impact Thresholds, then Planning Board amended site plan approval is required, and additional SEQRA analysis by the Planning Board (or other reviewing agency) would be necessary to establish environmental impact and mitigation requirements.
- (7) The Negative Declaration also set forth zoning compliance thresholds (the "***Zoning Thresholds***"), such that if any new business or landowner in the Subdivision exceeds the water consumption or sewage capacity or exceeds the Zoning Thresholds, then the Town Board of the Town of Warwick and/or Zoning Board of Appeals approvals would be required.
- (8) Pursuant SEQRA, the Agency is required to make a determination as to whether the "action" (as said quoted term is defined in SEQRA) to be taken by the Agency may have a "significant impact on the environment" (as said quoted term is utilized in SEQRA) and a determination by the Agency to undertake the Project constitutes such an action.
- (9) The Company hereby represents, warrants, and affirms that:
 - a. The undersigned is an authorized signatory of the Company with the power to bind the Company.
 - b. It has read the Negative Declaration and all exhibits and/or attachments, is familiar with the Planning Board's findings, and is aware of and understands both the Impact Thresholds and Zoning Thresholds.
 - c. The various phases of the Construction Project will be completed in compliance with all requirements contained in the Negative Declaration, and will not exceed any of the Zoning Thresholds and/or Impact Thresholds.
 - d. To the extent that any supplemental plans or investigations¹ were required by the Negative Declaration, they have been obtained by the Company.

¹ For example, the Impact Thresholds require that the application for a Building Permit require a Stormwater Pollution Prevention Plan, Site Specific Erosion and Sediment Control Plan etc.

- e. The Construction Project does not exceed either the Zoning Thresholds or the Impact Thresholds set forth in the Negative Declaration, as attached hereto and incorporated herein by reference.
- (10) The Company acknowledges and agrees that the foregoing representations and warranties will be relied upon by the Agency with respect to its SEQRA review and any misleading or false representations or any failure to comply with the requirements of the Negative Declaration may result in the revocation or recapture of the Financial Assistance awarded to the Project by the Agency.


[signature page follows]

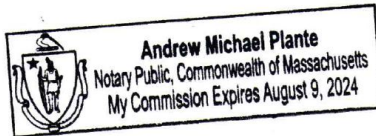
Dated: February 10, 2022

CITIVA MEDICAL, LLC

By: iAnthus Capital Management, LLC
Its: Sole Member

By: iAnthus Capital Holdings, Inc.
Its: Sole Member

By: 
Name: **John Henderson**
Its: Senior Vice President



Sworn or Affirmed to before me this
10th day of February, 2022.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line.

Notary Public, State of New York

EXHIBIT A
NEGATIVE DECLARATION

617.12(b)
State Environmental Quality Review (SEQR)
Resolution Authorizing Filing of Negative Declaration

Name of Action: WVLDC 10 Lot Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed the Warwick Valley Local Development Corporation 10 lot subdivision, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the New York State Department of Environmental Conservation and Orange County Department of Health, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated August 7, 2013 and as revised through November 6, 2013, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

On a motion by Dennis McConnell, seconded by Robert Kennedy, and a vote of 5 for, and 0 against, and 0 absent, this resolution was adopted on November 6, 2013.

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: November 6, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Warwick Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Warwick Valley Local Development Corp. Subdivision

SEQR Status: Type I ☒
Unlisted ☐

Conditioned Negative Declaration: ☐ YES
☒ NO

Description of Action: The Proposed Action is a Major Subdivision of approximately 48.6 acres of land within the Town's Office and Industrial Park (OI) Zoning District. The subdivision consists of 10 commercial lots that range in size from 2.56 acres to 6.25 acres, and Site Plan and Special Use permit approval for all 10 subdivided lots. This Negative Declaration addresses all three related approval actions. A remaining 1.88-acre roadway parcel will be offered for dedication to the Town of Warwick. Access to the subdivided lots will be provided by a proposed 30-foot wide, 2,600-foot long roadway that begins at State School Road and terminates in a cul-de-sac to be constructed by the Project Sponsor. Stormwater management facilities will be owned and maintained by the Town of Warwick. Drainage easements through the proposed commercial lots will be provided where needed to allow the Town of Warwick access to common drainage infrastructure. The subdivided lots are proposed to be sold to business entities, which will be responsible for securing building permits, and any other necessary approvals, for the construction of any and all improvements on each individual lot.

Location: Former Mid-Orange Correctional Facility Parcel Section 46, Block 1, Lot 9.1
State School Road, Town of Warwick, Orange County, NY

Related Actions:

The subject parcel, known as Lot #1, was once part of New York State's Mid-Orange Correctional Facility, a medium security prison. The site also had several previous uses. The property was initially developed in 1912 as the New York City Farm, one of the country's first treatment centers for alcoholism. Later, the property was converted to the New York State Training School for Boys, which lasted until 1977 when the facility became operational as a medium security State prison for males. The prison encompassed five contiguous parcels of land totaling ±762-acres.

A Manor House on the overall prison site dates back to the nineteenth century while most of the 81 on-site buildings date back to the 1930's. A few other buildings were constructed as recently as 1990. The Correctional Facility was capable of accommodating a maximum of 3,800 prisoners. On June 30, 2011, the State of New York announced that it would close the Correctional Facility. Declining inmate populations was reportedly the cause of the closure. At the time of the Facility closure, New York State relocated approximately 572 inmates to other prisons and reassigned a total of 309 employees who worked at the Facility. The site represents 1.2% of the Town's total land area. Its former employees (assuming that all were Town residents) and inmates comprised approximately 4.6 percent of the Town's population in 2010, and if the prison had been fully occupied, would have represented 21 percent of the Town's 2010 population.

Impacts to the Town of Warwick and surrounding area resulting from the closure of the prison were both significant and severe. The most notable impact was the significant loss of revenue for the Town owned and operated Wickham Sewer District, which provides sewer service to the Facility. The prison closure resulted in a loss of approximately one-half of the district's annual operating revenue. Another potential impact is the loss of population in the Town of Warwick. When prison employees, who were residents of the Town, were offered jobs in far-away locations, they moved out of the area. Following the closure of the Mid-Orange Correctional Facility, the Town of Warwick Town Board worked with the applicant and the State of New York to take title to most of the developable land area of the facility. Portions of the site that are constrained by wetlands and other environmentally sensitive areas (or where used for recreation) are to be retained by the Town of Warwick.

The redevelopment process included public visioning by a Town Board appointed "Mid-Orange Advisory Committee." The Committee undertook a planning process: "To analyze the options which might be available for the site and to make recommendation(s) to the Supervisor and the Town Board for ways to develop the site that will ensure long-term job possibilities for residents of our community in a way that is compatible with the Town of

Warwick Zoning Code and enhances the tax ratables within the Town.” The Final Report of the Committee dated March 7, 2012, recommended the Town pursue future projects including: 1) conservation and historic preservation; 2) agriculture; 3) food processing and distribution; 4) sustainable energy generation; 5) low security corrections; 6) open space and recreation; 7) office and light industrial development; and 8) transportation alternatives.

The complexity of transferring and redeveloping the former Mid-Orange prison site and returning it to productive use has meant that a number of separate actions needed to be taken by a variety of different State and Local agencies. This has included the following related actions:

- A. When the site was operational as a prison, it consisted of five parcels of land zoned within the Town's Conservation (CO) and Rural (RU) Zoning Districts. Due to the site's location adjacent to the Town's Office and Industrial Park (OI) Zoning District, Kings Highway, and the New York Susquehanna and Western freight rail line, the Town Board proposed and later enacted a rezoning of the subject parcels to the Office and Industrial Park (OI) Zoning District to enable future redevelopment of the site in accordance with the Town Comprehensive Plan. A separate SEQR review process was conducted by the Town Board for the rezoning action. The Board's action concluded with the issuance of a Negative Declaration.
- B. The next related step involved transfer of the site from the State of New York, which declared that it would no longer have a need for the property. In order to effectuate the transfer from the State, the action included an initial subdivision of the site for the following purposes: 1) future development and redevelopment of the prison facilities area; 2) protected freshwater wetlands for transfer to a land trust; and 3) transfer of the remaining lands to the Town of Warwick for park, recreation and other municipal uses. The transfer process included other Involved Agencies: the Office of General Services transfer of the site to Empire State Development, Empire State Development transfer of the site to the Warwick Valley Local Development Corporation, and then transfer from the Warwick Valley Local Development Corporation to the Town and others. A separate SEQR review process was conducted by the Town Board, after circulating for Lead Agency status with the above stated Involved State Agencies, for the transfer action. The Town Board's action concluded with the issuance of a Negative Declaration.
- C. As a pre-condition to closing on the site transfer from the State, New York State agencies required that the existing five site parcels be reconfigured first in the way in which they will be accepted by the Town and LDC. This involved a Re-subdivision of the parcels by the Town Planning Board. A separate SEQR review process was conducted by the Planning Board for the transfer action. The Board's action concluded with the issuance of a Negative Declaration.

- D. In addition to this SEQR review process on the proposed 10 lot subdivision, the Town Board is undertaking a separate SEQR review process on the extension of the Wickham Water District to encompass the site. Community water supplies are available from the Wickham Water District to supply the 10 lot subdivision. Annexation of the former prison site into the Wickham Water District will allow for the capacity of the existing prison water system to be utilized by planned and future development on the site, with operation and maintenance by the District.

The Planning Board lacks jurisdiction to participate on the Water District extension action. However, both the New York State Department of Environmental Conservation and the Orange County Department of Health are Involved Agencies and they have both consented to the Town Board to act as Lead Agency on the Water District expansion. No SEQR actions have been taken by the Town Board on the Wickham Water District expansion as of the date of this Negative Declaration. Town Board action under SEQR will be necessary prior to anticipated issuance of the State and County approvals.

Reasons Supporting This Determination:

1. The Town of Warwick Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Environmental Assessment Form (EAF) for the project dated August 7, 2013 and as revised through November 6, 2013, by a number of special reports submitted by the applicant that are identified herein, the Planning Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).

3. The proposed subdivision, site plan and special use permit approvals are designed in accordance with the OJ District zoning requirements. Additional more detailed design and review will be required for development of the individual lots by the Town Building and Engineering departments. In addition, future approvals may be necessary from the Town Board, Planning Board, Zoning Board of Appeals and other County, State and Federal agencies. Such approvals are identified within this Negative Declaration. A summary of a series of thresholds that are being established to guide future development of the subject site can be found in a Table at the end of the "Reasons Supporting This Determination". Furthermore, the Town of Warwick and the Warwick Valley Local Development Corporation may seek New York State Certification of the subdivision as a "Shovel Ready Site" by Empire State Development, the State's chief economic development agency. Businesses that decide to locate within the subdivision and that do not exceed the thresholds established in this Negative Declaration are eligible to receive expedited Building Permit approvals without the necessity of receiving Site Plan and Special Use permit approvals from the Planning Board.

4. The action will not create a need for recreational land or facilities due to the lack of any residential facilities associated within this subdivision in the Office and Industrial Zoning District.
5. The proposed subdivision plan includes the need to extend electric utilities to the site. The Planning Board finds that underground utility line installation is warranted for its aesthetic benefits, to remain consistent with § 137-19(C) of the Town Code, and for its health and safety benefits. The requirement for underground utility line installation does not extend to electric substations that may be needed in the future.
6. The proposed subdivision is consistent with key Town of Warwick Comprehensive Plan and Orange County Comprehensive Plan goals for non-residential development, which is to provide for commercial and industrial development next to existing commercial and industrial uses. The Proposed Action will create a place in the Town where non-residential growth can occur with minimal impact to the Town's current residents. In addition, impacts to tax revenue will be significantly positive since the site is currently tax exempt, and future development will generate significant taxes to pay for needed services in the Town.
7. The parcel is located in an area that is largely segregated from residential areas due to its former use as a State prison. The site is partially developed and adjacent to other OI lands and uses. Adequate transportation infrastructure exists in the area including a freight railroad line, a County highway, and the Warwick Municipal Airport, which is located one mile north of the parcel.
8. Water service to the site will be provided from the water system that serviced the former Correctional Facility. Due to the proximity of the site to the Town of Warwick Wickham Water District, it has been proposed by the Town Board that the site, along with the remaining lands of the former Correctional Facility, be annexed into the Water District. The parcel is currently located in Town of Warwick Sewer District service area and will receive sewer service from this municipal sewer district, which occurred during operation of the former State prison.
9. A large portion of the ±762 acre Correctional Facility area is comprised of freshwater wetlands and their adjacent buffer areas. However, a significant portion of the site is already developed with roads and buildings that range from the incarceration buildings to a variety of other support structures, recreational facilities, and other infrastructure that was integral to the former prison operation.
10. The site of the 10 lot subdivision application is an undeveloped ±48.56 acre parcel that was partially disturbed in the past. The majority of the parcel's vegetative land cover is fallow fields, which were once agricultural lands. Small second-growth deciduous wooded areas also exist within the parcel. The majority of the site consists of gently to moderately sloping terrain.

11. **Agriculture.** There are approximately 26.86 acres of prime agricultural soils (HoB) found on the subject parcel. The inclusion of these soils on site has recently led to the property being included in Orange County's Agricultural District #2. The Orange County Agricultural District contains agricultural land that has been recognized by the County and the NYS Department of Agriculture and Markets as containing viable farmland designated for protection from non-agricultural uses. According to the NYS Department of Agriculture & Markets, designation of a parcel within a County Agricultural District provides benefits such as "protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices." None of the agricultural soils are currently being used for farming so there will be no loss of any currently operating farmland. The proposed subdivision will permanently remove the agricultural soils from potential future farming. However, it is possible that agriculture may be supported by the proposed subdivision because the preferred uses that were identified as desirable within the Mid-Orange Advisory Committee Final Report include food processing and food distribution businesses. Warwick's Comprehensive Plan encourages the agricultural industry in the Town

There are no other alternatives available to eliminate the loss of agricultural soils on the site. The project will result in the permanent loss of 26.86 acres of Type 1 through 4 agricultural soils and 48.6 acres of land in an Agricultural District. According to the Orange County Department of Planning (OCDP), in their letter dated August 12, 2012, the proposed project is located within 500 feet of an existing active agricultural operation. Therefore, the OCDP recommends that future commercial uses on the subdivided parcel, located in the Office Industrial zone, should be compatible with nearby agricultural uses.

Because farming activities occur within the area of the proposed subdivision, map notes have been placed on the subdivision plat to give notice to future purchasers of the proposed lots that certain farming activities occur at odd hours of the day, create noise, odors and dust, result in spraying of crops with fertilizers and pesticides, and can create a potential danger to people and motor vehicles. All deeds of the proposed lots will contain references to the map notes relative to the hazards and nuisances (noise, odors, hazardous chemical use, etc.) to which occupants of such parcels willingly subject themselves to. An Agricultural Data Statement has been filed by the applicant, forwarded to all owners of farming operations within 500 feet of the site, and such Statement has been considered by the Planning Board.

Retention of the subject site for future agriculture would mean that office and industrial development would be hampered on the site. The vast majority of the former State prison site is State Protected freshwater wetlands and their regulated upland adjacent areas. Estimates are that as much as 90 percent of the former prison site may be wetlands and adjoining protected areas. An estimated seven percent of the former State prison consists of the prison buildings leaving only a small acreage available for development. While adaptive reuse of the former prison

buildings would be ideal, at least 12 other prisons have been closed in New York State since 2009. Since these are highly specialized facilities designed for only one purpose, namely incarceration, few successful examples exist of adaptive reuse.

The loss of potential agricultural lands is unavoidable but its impact is minimized as the parcel is too small to support significant agricultural activity. In addition, the development of the site will make the site viable for commercial uses such as warehousing and transport of agricultural products (Agricultural Industry uses) that support nearby farms. Also, by assuring that all future uses on the subdivided parcel are compatible with nearby agricultural uses, adverse impacts will be reduced or avoided.

12. Topography and Soils. Topography on the site generally slopes from the center outward toward the surrounding freshwater wetlands, and beyond that to Wawayanda Creek and Long House Creek. The highest elevation on the parcel is approximately 572 feet above Mean Sea Level (MSL) and is located in the western-central portion of the parcel. The lowest elevation on the parcel, 524 feet above MSL, is found in two places, along the northeast and southernmost boundary lines of the parcel. Approximately 3% of the parcel has slopes in excess of 25% grade. The majority of the steepest slopes are located in the central portion of the parcel where sand and gravel have been previously excavated from the parcel and used as fill material elsewhere.

The soils found on the parcel are described in the Soil Survey of Orange County, New York, prepared by the Soil Conservation Service. The majority (94%) of the soils on the parcel are defined as Hoosic Gravelly Sandy Loam (HoB, HoC and HoD). These soils are described as deep, somewhat excessively drained soils. HoB soils are gently sloping with slopes between 3 and 8 percent, HoC soils are described as "sloping" with slopes between 8 and 15 percent, and HoD soils are moderately steep with slopes between 15 and 25 percent. Hoosic soils are formed in glacial outwash deposits and have a high content of sand and gravel. According to the soils survey, the depth to water is usually more than six feet, but site specific testing in these soils in the areas of the retention ponds did not encounter ground water at a depth of over 8 feet. Permeability is moderately rapid in the surface layer, moderately rapid or rapid in the subsoil, and very rapid in the substratum. Available water capacity is low, and surface runoff is slow, medium, or rapid depending on the steepness of the slopes. The Hoosic soil has minimal limitations for roadway construction and commercial development, especially where public sewer service is available.

Soil disturbance will occur from the construction of utility infrastructure, driveways, parking lots, buildings, landscaping, lawns, and storm water management facilities. Soil cutting and filling will be necessary during construction. The Proposed Action will result in some disturbance to areas where slopes exceed 15%. This will be minimized by the use of erosion and sediment control best management practices. The Proposed Action will also create approximately ± 2.14 acres of additional

impervious area when the roadway is constructed, and a maximum of +18.7 acres of additional impervious area for the construction of the individual lots.

The last issue of concern related to topography and soils is the anticipated length of time required for construction of the Proposed Action, which will continue for more than one year and will involve more than one phase or stage. It is estimated that the Proposed Action, including the individual lot construction, will take approximately 10 years to complete. The primary environmental concern is that the longer a Proposed Action takes to construct, the higher the potential that soil erosion and sedimentation will occur. Construction on the parcel will be structured and phased in such a way as to reduce the total area disturbed at any one time. In addition, all areas of disturbance will be stabilized as soon as practical to minimize potential erosion and sedimentation. For the subdivided lots that will disturb over five acres at any one time, a phasing plan in addition to an erosion control plan will be prepared. An erosion control plan has been prepared for the roadway and supporting infrastructure construction. With the incorporation of these mitigation measures, no additional mitigation measures are required or proposed.

Potential erosion of soils on steep slopes will be mitigated before, during, and after construction through the use of accepted erosion and sedimentation control techniques, as outlined below. By implementing these erosion control and sedimentation mitigation measures, all anticipated adverse impacts to land resulting from the construction and operation of the Proposed Action will be mitigated to the greatest extent practical.

- A specific Erosion Control Plan and Erosion Control Details have been prepared for the construction of the proposed road and utilities to service the newly proposed lots. The details are included in the Subdivision Plans. All individual lots will be required to develop their own site specific Erosion Control Plans in compliance with the NYSDEC and Town of Warwick erosion control guidelines in affect at the time of the development of the lots.
- All sediment and erosion control practices will be carried out in conformance with the New York Standards and Specifications for Erosion and Sediment Control and Town of Warwick requirements. In general, all construction activities will proceed in such a manner so as to minimize erosion and subsequent off-site sediment migration. Typical mitigation measures that will be employed during construction are as follows. With these mitigation measures in place, the potential for erosion and sedimentation will be significantly reduced:
 - ✓ Prior to commencement of construction, silt fence will be installed downhill of all areas to be disturbed.
 - ✓ Disturbed areas will be stabilized as soon as practical to minimize potential exposure to erosion and sedimentation.

- ✓ Storm water runoff from disturbed areas will be controlled and treated to remove sediment prior to discharge.
- ✓ Existing vegetation will be retained where practical. Following construction, permanent vegetation will be established on all exposed soils.
- ✓ Site preparation activities shall be planned to minimize the area and duration of soil disturbance.
- ✓ Stabilized construction entrances shall be installed at all points of entry onto each lot. Permanent traffic corridors shall be established and routes of convenience shall be avoided.
- ✓ Check dams shall be constructed at existing and proposed swales as required. They shall be maintained in good condition until final vegetative cover is well established on all disturbed areas upstream of the swale.
- ✓ In no case shall erodible materials be stockpiled within 25 feet of any ditch, stream or other surface water body.
- ✓ Unnecessary removal of healthy trees shall be avoided. Construction materials shall not be stored nor machinery operated within the drip line of any trees to remain.
- ✓ All slopes of 2H:1V are to be stabilized with stone rip-rap or soil stabilization fabric as needed. All slopes steeper than 2H:1V, including rock cuts will be designed by a Geotechnical Engineer.
- ✓ The erosion control measures shall be monitored and inspected by the construction contractor throughout the duration of the development process. Proper maintenance will ensure the proper functioning of these controls.
- ✓ Any washouts will be immediately repaired, reseeded and protected from further erosion. All accumulated sediments shall be removed and contained in appropriate spoil areas.
- ✓ To effectively control wind erosion, water shall be applied to all exposed soils as necessary.

13. Surface Water. There are surface waters located adjacent to the site. Areas of environmental concerns pertaining to water resources include stormwater runoff, potable water supply, water for fire suppression and wastewater disposal. Most surface water from the parcel runs off as sheet flow from the parcel toward the surrounding wetlands and eventually reaches the Wawayanda and Longhouse Creeks. There are no surface waters identified on the subject parcel. The existing on site drainage patterns rely upon the natural topographic features to collect and convey

storm water runoff. Most of the runoff travels via overland sheet flow to several low lying areas located around the site. At these locations, water sheet flows off the site to several wetland areas surrounding the property.

The Proposed Action will involve over one acre of land disturbance resulting from the construction of the roadway and commercial development of the individual lots. In addition, the existing topography will be altered and there will be an increase in impervious surface coverage. Due to these changes, there is the potential for peak stormwater runoff flows to increase from the parcel, as well as an increased potential for stormwater pollutants to accumulate in the runoff.

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the initial infrastructure improvements. This plan assesses existing and proposed drainage patterns and provides a detailed design of the stormwater management facilities to mitigate potential stormwater impacts. To reduce the effects of the Proposed Action on existing water resources, several storm water control measures are proposed. These measures include a properly prepared and implemented erosion control plan and the construction of infiltration ponds designed to mitigate water quality and peak stormwater flows. Prior to start of construction, the Project Sponsor will be required to obtain a NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharge from Construction Activities. Conformance to the General Permit is designed to protect sensitive environmental features and water resources. In order to obtain coverage under this permit, the Project Sponsor will require approval from the Town of Warwick as the operator of the MS4.

A Stormwater Pollution Prevention Plan (SWPPP) will also be required for site development of the individual lots. These plans will assess existing and proposed drainage patterns, provide a detailed design of the stormwater management facilities, and propose mitigation for potential stormwater impacts. All plans will be prepared in accordance with the most current NYSDEC and Town of Warwick requirements. All SWPPP's will be reviewed by the Town of Warwick, as the operator of the MS4, prior to the issuance of a building permit on any of the proposed lots. Maintenance of the stormwater management facilities will be required to assure the long term function and viability of the Stormwater Pollution Prevention Plan.

Maintenance will include:

- Routine Inspections of all stormwater facilities shall occur at least twice a year and after every storm event that exceeds 3.5 inches of precipitation in a 24 hour period.
- Mowing stormwater basins at least once every other week during growing season.

- Maintaining all landscaping, lawns, plants, shrubs and trees in healthy living condition. All dead landscaping shall be replaced during the next planting season with a plant of similar species and size.
- Removing accumulated sediment from stormwater facilities including basins, catch basin and swales. Sediment shall not be allowed to accumulate more than 50% of the capacity of the facility.
- Pavement sweeping and swale debris removal is also required to prevent sediment from reaching and deteriorating the infiltration ponds and bio-retention pond.
- Specific Erosion and Sediment Control Plans and Details have been prepared for the Proposed Action's initial infrastructure improvements.
- Prior to issuance of a building permit by the Town of Warwick for construction on any of the proposed lots, the project applicant for each individual lot will need to prepare and submit Erosion and Sediment Control Plans and Details that conforms with the New York State Standards and Specifications for Erosion and Sediment Control manual and Town of Warwick requirements.

14. Wetlands. There is a very small area of freshwater wetlands located on the parcel, and extensive freshwater wetlands are present surrounding the parcel. Due to the extensive freshwater wetlands that are present in the area, the subject parcel is included in the Town's Biodiversity Conservation Overlay Zoning District, which was established to protect biodiversity resources in the community. A comprehensive discussion of the Biodiversity Conservation Overlay Zoning District is found below.

According to the New York State Department of Environmental Conservation (DEC), in a letter dated September 3, 2013, the parcel contains or is near New York State regulated wetlands. The parcel is flanked to the north and south by Freshwater Wetlands WR-27 (Class I) and WR-28 (Class II) and their respective regulated 100-foot adjacent buffer areas. Any physical disturbance within the wetland boundary, or the 100-foot adjacent buffer area, requires a State Freshwater Wetlands Permit pursuant to Article 24 of the New York State Environmental Conservation Law. There are no federally designated wetlands or state designated wetlands on the subject parcel. There are portions of NYSDEC regulated 100 foot adjacent areas within several of the proposed lots. It is proposed that there will be no disturbance of these areas. In any case, the regulated areas are found largely outside the required building envelopes, based upon the Town Zoning Law.

The parcel contains only one very small area of potential federal wetlands within the proposed development area, and several federal wetlands have been identified adjacent to the property. Wetland #1 was determined to be a jurisdictional wetland. This wetland is approximately 1.0 acres in size and is located to the west of the parcel. Wetland area #2, is the only wetland located on the project site and was

determined to be an isolated wetland, which is considered to be a non-jurisdictional wetland and not subject to US Army Corps of Engineers jurisdiction. The loss of this isolated wetland is unavoidable but no mitigation is required under Federal wetlands regulations. Wetland #2 is approximately 0.4 acres in size and is located in the center of the parcel. Wetland area #3 is also a jurisdictional wetland, approximately 1.5 acres in size and is located southwest of the parcel. Wetland area #4 is a jurisdictional wetland and is approximately 0.5 acres in size, is located to the south of the parcel. A Wetlands Delineation Report, dated August 23, 2012, was prepared by Terracon and submitted as part of the SEQR review process.

Construction on all lots will be prohibited from disturbing federal or state wetlands, or NYSDEC wetland adjacent areas. Therefore, no mitigation is necessary. Should the proposed construction on any of the lots require disturbance of a wetland or NYSDEC wetland adjacent area, the applicant will be required to make an application to the agency having jurisdiction (ACOE or NYSDEC) and the Town of Warwick Planning Board for amended site plan approval and an amended SEQR determination.

15.Floodplains. This parcel is not located within any areas subject to flooding, as defined by FEMA on the Flood Insurance Rate Maps for the Town of Warwick , New York identified as Community-Panel Number 36071C0464E effective date August 3, 2009.

16.Groundwater. The subject parcel lies within the Town of Warwick Aquifer Overlay District (AQ-O). The AQ-O District consists of several aquifers and aquifer recharge areas as shown on the Zoning Map of the Town of Warwick. The purpose of the Aquifer Protection Overlay District "is to protect, preserve, and maintain the quality and quantity of the groundwater resources, which the Town depends upon for its present and future public water supply, for its existing public water supplies that depend on groundwater, and for numerous private wells in the Town of Warwick." Section 164-47.2 of the Warwick Town Code establishes the requirements and measures that must be observed to protect the community's groundwater supplies.

Since the future development of the subdivided lots will utilize the existing on-site water system, the aquifer impact assessment referred to in Section 164-47.2D of the Zoning Law is unnecessary. The ground water source for the water system was previously established. There are no expected potential impacts to the groundwater, since the estimated water usage of the future development of the subdivided parcel is less than the historical water consumption by the Correctional Facility (as discussed below).

Section 164-47.2E of the Warwick Town Code lists use restrictions and requirements that apply to all land in the AQ-O District. One of the items states "The installation or use of stormwater runoff infiltration basins is prohibited unless surface water quality flowing into the infiltration basin is of sufficient quality that groundwater shall be protected." All current and future proposed stormwater management infiltration

facilities shall meet NYSDEC design guidelines and include pre-treatment water-quality facilities. Therefore no adverse impact to the aquifer district or groundwater resources is expected.

Furthermore, Section 164-47.2E of the Town Code establishes other use restrictions and requirements that apply to land in the AQ-O District and which is within one mile of community water supply wells or springs, which must be adhered to by all applications in the Town of Warwick for subdivision, site plan, or special use permit approval. Any future development of the subdivided lot shall also comply with these use restrictions. If an applicant is unable to comply with these requirements, they shall apply to the Town of Warwick Planning Board for an amended site plan approval, amended SEQR determination, and an amended special use permit approval. In addition, map notes placed on the subdivision plat give notice to future purchasers of the use restrictions imposed within this area including the following prohibitions:

- Manure piles shall not be permitted unless provision has been made to prevent seepage into groundwater. Suitable storage facilities shall be required when it is not possible to spread or dispense of wastes on a daily basis.
- All bulk storage of fertilizers for agricultural or commercial use must be within a building or structure, which will prevent any seepage or runoff.
- No pesticides or herbicides shall be stored or applied except in compliance with the Zoning Law. All storage of pesticides and herbicides within the AQ-O District shall be within a building. Application of pesticides and herbicides within aquifer recharge areas or probable high yield bedrock wells, as identified on the Aquifer Overlay map, shall be subject to issuance of a special use permit as required by § 164-46 of this Zoning Law with the exception of commercial agricultural uses, which are exempted from this requirement. All such use, storage, or application shall be in accordance with the requirements of the New York State Environmental Conservation Law and its implementing regulations.

17. Water Supply. Since the parcel is currently vacant, there is no water service to the site. The former prison was serviced by a private water supply system that served the entire former Correctional Facility site. This system was owned and operated by New York State and consists of several water transmission mains and numerous water services. Based on information provided by the Orange County Health Department, and included in the Water System Engineer's Report, this system has the ability to provide up to 181,000 gallons per day of potable water.

Based on the available fire flow information calculated by Engineering and Surveying Properties, P.C., the water system that will service the parcel has sufficient capacity to provide a fire flow of over 3,000 GPM. This calculation is provided in the "Engineering Report & Technical Specifications for a Water Main Extension to Serve

Warwick Valley Local Development Corp." by Engineering & Surveying Properties, PC dated September 2013.

The construction of the Proposed Action will create a demand for potable water. Based on the Water System Engineer's Report, the total demand of approximately 104,000 gallons per day for the proposed project and redevelopment of the existing buildings will be less than the available capacity of the former Mid-Orange Correctional Facility public water supply system of 181,000 gallons per day. To operate this system, the Town of Warwick - Wickham Water District service area will be expanded to serve the parcel.

It is expected that most, if not all buildings constructed on these new lots will be required to provide sprinkler systems for fire protection. In accordance with ISO standards, if the buildings are sprinkled an available fire flow of 1,000 gallons per minute should be provided to meet the necessary water demands for the sprinkler system and for emergency services to properly suppress a fire. The Water System Engineers Report indicates that the existing system has an available fire flow of over 3,000 gallons per minute, therefore no impacts to fire suppression are expected.

Since there is sufficient water to service the project area, there are no expected adverse impacts to the water supply as a result of the Proposed Action. However, in an effort to reduce the water demand resulting from the future development of the Proposed Action, all buildings will be fitted with water saving plumbing fixtures in accordance with the NYS Building Code. These fixtures, such as toilets, sinks, and showers, will reduce the total amount of water consumed. By reducing the amount of water that is used, less water will be needed to serve the parcel.

All buildings will be required to conform to the NYS Fire Code. Water to supply sprinkler systems and hydrants will be supplied by the potable water system. As sufficient water exists to serve the system no further mitigation is required.

- 18. Wastewater Disposal.** The Proposed Action is located within the Town of Warwick Wickham Sewer District service area. The Town operated Wickham Sewer District serves approximately 540 homes in addition the former prison site. Closure of the Correctional Facility resulted in a significant reduction in the wastewater disposal demands from the Facility to the Wickham Sewer District. According to the Sewer System Engineer's Report located in Appendix E of the SEQR EAF, the sewer plant servicing the district is currently permitted to treat 430,000 gallons per day and is operating at approximately 165,000 gallons per day leaving an excess capacity of approximately 265,000 gallons per day.

The existing sewer collection system in the vicinity of the Proposed Action is comprised of 10-inch diameter gravity sewer main. The nearest manhole is located at the entry to the site along State School Road. This gravity sewer main collects the waste water from this area of the site and discharges it to a sewer pump station

located adjacent to State School Road approximately 1,500 feet east of the project access to State School Road. Wastewater is then pumped southeast towards the Town of Warwick Wastewater Treatment Plant (WWTP) approximately ½ mile away.

The construction of the Proposed Action will create additional domestic wastewater. Based on the "Engineering Report & Technical Specifications for a Sewer Main Extension to Serve Warwick Valley Local Development Corp." by Engineering & Surveying Properties, PC dated September 2013, the system has the ability to treat an additional 265,000 gallons per day. As this capacity exceeds the projected demand of 104,000 gallons per day there will be no impact to the WWTP.

It is proposed that this additional sewage flow will enter the sewer system at a sewer manhole located adjacent to State School Road near the site entrance. To discharge at this location, installation of new sewer mains will be required to collect and convey the sewage from the subdivided parcels to the existing manhole. This system will consist of a series of 10-inch PVC SDR-35 sewer mains and several concrete manholes. As the facility is currently shuttered and there is no existing flow in these mains, they will have sufficient capacity to service the projected flows of 104,000 gallons per day.

Since there is sufficient wastewater disposal capacity to service the project area, there are no expected adverse impacts to the wastewater disposal system as a result of the Proposed Action.

To further mitigate the flows resulting from the proposed development, the lot owners will be installing water-saving fixtures in accordance with the NYS Building Code to reduce the amount of water used so that less sewer conveyance and treatment capacity will be needed to serve the parcel. Based on the proposed approvals and aforementioned mitigation measures, the proposed development will not have a significant adverse impact on water resources.

- 19. Plants and Animals.** Due to the extensive freshwater wetlands that are present in the area of the Proposed Action, the subject parcel is included in the Town's Biodiversity Conservation Overlay (BC-O) District, which was established to protect biodiversity resources in the Town of Warwick in 2010. Section 164-47.9 of the Town of Warwick Zoning Code states that "Warwick's quality of life will be enhanced by the wise management of the Town's natural resources, including the diverse habitats and natural systems found within the Town." Section 164-47.9 goes on to provide regulations and detailed habitat assessment and management processes that must be followed when a parcel lies within the Biodiversity Conservation Overlay District.

The basis for the Biodiversity Conservation Overlay District is founded in the Southern Wallkill Biodiversity Plan, which states that "These wetlands and fields along Wawayanda Creek contain some of the most important biodiversity in the entire Southern Wallkill Region, for a variety of taxa. Impacts to wetlands and other habitats

in this area should be minimized to the greatest extent possible.” The Biodiversity Assessment Manual for the Hudson River Estuary Corridor is also referenced in the BC-O regulations, which further states that “Intact ecosystems help to create and support the world as we know it by providing such basic services as climate moderation, oxygen production, soil formation, nutrient transformation, and production and decomposition of organic matter.”

The BC-O regulations require a habitat assessment of the subject parcel, which in turn may prompt a site-specific habitat assessment and report. The Southern Wallkill Biodiversity Plan by the Metropolitan Conservation Alliance and the Biodiversity Assessment Manual of the Hudson Estuary Corridor by Hudsonia were used as the basis for the habitat assessment of the site. Specific areas of concern that were identified as part of the habitat assessment process include water resources, vegetation, soils, elevation, aspect and slope, species of conservation concern, and the presence of protected species of plants or animals. Although no species of conservation concern, significant habitats, rare plant or animals are known to exist on the site, some are reportedly found in the surrounding areas. A review of the US Fish and Wildlife Service (USFWS) website indicates that Orange County contains habitat for two federally listed endangered species, the Indiana bat and dwarf wedgemussel (*Alasmidonta heterodon*); and two threatened species, bog turtle (*Clemmys muhlenbergii*) and small whorled pogonia (*Isotria medeoloides*). Additionally the NYSDEC states, in their letter dated September 3, 2013, that the Indiana Bat (*Myotis sodalis*), a state-listed species, has been recorded within or near the subject parcel.

Based on the requirements of the BC-O overlay district and the recommendations of the NYSDEC, the Habitat Assessment was performed on September 11, 2013, by ERS Consultants, Inc. and a letter report dated September 20, 2013 and revised by a new letter dated October 24, 2013 was prepared detailing ERS's findings. In the professional opinion of ERS Consultants, Inc., the vegetative cover types found on the site are not considered to be suitable habitat for any of the state or federally threatened and endangered species, with the exception of the Indian bat. Some of the trees located in the small wooded areas within the subject parcel have characteristics utilized by Indiana Bats.

The study also concluded that no habitat exists within the development area that meets the criteria necessary for the dwarf wedgemussel, bog turtle or small whorled pogonia to be present. Small portions of the wooded areas will be disturbed during the construction on the subject parcel. This disturbance has the potential to remove trees that Indiana Bats could use for roosting areas and foraging during the summer months outside the hibernation period.

In accordance with the NYSDEC recommendations, any tree greater than 4-inches in diameter at breast height (DBH) will only be removed between October 1st and March 31st. If trees larger than 4-inches DBH are to be removed outside the recommended

timeframe, the applicant will need to receive authorization from the NYSDEC. Based on the aforementioned limited impacts and suggested mitigation measures, the Proposed Action will not have a significant adverse impact on plant and animal resources.

20. Historical and Archaeological Resources. The subject parcel is located within an area identified as sensitive for archaeological sites on the New York State Site Inventory. The Manor House, located on an adjacent parcel, was built in 1840 on the foundations of a pre-Revolutionary War farmhouse, is potentially eligible for listing on the State Register of Historic Places. This building was formerly used by the State of New York for staff housing for the Mid-Orange Correctional Facility, and is now vacant. Due to the state identifying this property as sensitive for archaeological sites and the relative age of the buildings located on the adjacent parcels, the Project Sponsor retained TRACKER Archaeology, Inc. of Monroe, New York to prepare a Phase IA and Phase IB Cultural Resources Investigation. The Phase IA documentary study and Phase IB field testing were completed between September 1st and 19th, 2013 and were conducted in accordance with the standards of the New York Archaeological Council and the New York State Office of Parks Recreation and Historic Preservation. The results of these studies are summarized in a narrative entitled "Reports of Investigations" dated September 2013.

Documentary research established that the subject parcel is located near an Indian trail known as the Wawayanda Trail, which started at the tribal meeting grounds at Danns Kammer (near Newburgh Bay), then passed through Washingtonville, Warwick and Vernon villages, and eventually on to Philadelphia. Today, Kings Highway and NYS Route 94 shadow a close approximation to the route followed by the Wawayanda Trail. Therefore, in the professional opinion of TRACKER Archaeology, Inc., based on the distance to water sources, prehistoric sites, and Indian foot trails, in addition to the well-drained soils and moderately sloping terrain located on site, the subject parcel was determined to have an above average potential for the recovery of prehistoric sites. The type of prehistoric site TRACKER expected might be encountered was a procurement and/or processing site or small base camp site from either the Woodland or Archaic Periods.

A review of the 1908 U.S.G.S. map shows no structures on or adjacent to the subject parcel. Further investigation confirmed that the former Mid-Orange Correctional Facility was founded in 1912 as the New York City Farm. It was one of the country's first treatment centers for alcoholism and later became a boy's reformatory school before converting to an adult medium security correctional facility in 1977. Therefore, in the professional opinion of TRACKER Archaeology, Inc., based upon topographic characteristics, as well as the proximity to historic map documented structures and Indian foot trails, the study area was determined to have higher than average potential for encountering early twentieth century sites relating the New York City Farm and a moderate potential for aboriginal sites.

During the Phase 1B field study portion of the investigation, exposed ground surfaces were subjected to a close quarters walk-over, and shovel tests were excavated at 50-foot intervals across the subject parcel. Approximately 755 shovel tests were excavated during the Phase 1B study of the project area, however, there were no prehistoric artifacts or features, nor were there any historic artifacts or features encountered.

Based on the findings of the Phase I Cultural Resource Investigation, it was concluded that no historically significant artifacts existed on the subject parcel, nor will any be physically impacted by the proposed construction. The Proposed Action does not present a significant impact to Historic or Archeological Resources and therefore no mitigation measures are necessary or proposed.

Due to the lack of prehistoric or historic artifacts recovered during the field testing phase of the cultural resources investigation, it is not expected that construction of the Proposed Action will have an adverse impact to Historic or Archeological Resources in the vicinity of the parcel.

21. Traffic and Transportation. Maser Consulting P.A. was retained by the Applicant to collect existing traffic volume data in the vicinity of the project at the Kings Highway and State School Road intersection, and to use this data to evaluate the potential traffic impacts that may result from the construction of the proposed project. Kings Highway, also known as County Route 13, is a two-lane road that roughly runs east to west from NYS Route 17M in Chester, New York to NYS Route 17A in Warwick, New York. The speed limit in the vicinity of the site is 50 miles per hour (mph). King Highway is owned and maintained by Orange County.

Existing traffic data was collected on Kings Highway, both east and west of the State School Road intersection, between October 2nd and October 10th, 2013, using Automatic Traffic Recorders (ATR's). The collected data included both traffic volumes and travel speeds on the Kings Highway corridor. In addition, AM and PM peak hour turning movement counts were collected at the intersection of Kings Highway and State School Road. A copy of the collected data can be found in Appendix I of the SEQR EAF.

During typical AM peak hours (between 7:00 a.m. and 9:00 a.m.), the counted peak hour traffic volume on Kings Highway was approximately 250 vehicles per hour in the westbound direction, and 200 vehicles per hour in the eastbound direction. During typical PM peak hours (3:30 p.m. to 5:30 p.m.), the counted peak hour traffic volume varied by day; between 275 to 300 vehicles per hour in the westbound direction, and 250 to 300 vehicles per hour in the eastbound direction. Vehicles generally travelled at speeds in the range of 45 to 51 mph.

Based on historical information and employee counts, it is estimated that the former Correctional Facility generated a traffic volume of approximately 165 vehicles per

hour during the peak hour periods, when vehicles entered and exited the Facility during employee shift changes.

Utilizing the latest data published by the Institute of Transportation Engineers (ITE), the expected future traffic volumes that will be generated by redeveloping the entire Correctional Facility site were estimated. Peak hour trip estimates were computed using the ITE trip generation information for a warehouse/distribution center type use (ITE Land Use 150). For traffic volume estimation purposes, it was assumed that the redevelopment of the former Correctional Facility site would eventually contain approximately 300,000 square feet to 400,000 square feet of warehouse/distribution space.

Redevelopment of the entire Correctional Facility site is expected to produce 119 to 140 vehicles entering the site, and 32 to 37 vehicles exiting the site, for a total of 151 to 177 vehicle trips during the weekday Peak AM Hour. During the weekday Peak PM Hour, the site is expected to generate 30 to 36 vehicles entering the site, and 90 to 109 exiting the site, for a total of 120 to 145 vehicle trips. It is anticipated that approximately 80 percent of the generated vehicle trips would travel to and from the site via Kings Highway. These trips are further divided into an east/west direction of travel split of 55%/25%, respectively. Hourly Trip Generation Rates and Anticipated Site Generated Traffic Volumes are provided in more detail in Table No. 1 of the traffic memo included in the SEQR EAF.

The 2018 "No-Build", Site Generated, and 2018 "Build" Traffic Volume scenarios for the weekday AM and PM peak hours are presented as Figures in the SEQR EAF (Figure Numbers 4 through 9). Also, a capacity analysis for the intersection during each of the peak hour periods was computed. The results indicate that a Level of Service "B" or better is expected at the intersection under "Existing", "No-Build", and "Build" scenarios during the peak hour periods.

The estimated total trip generation of 151 to 177 vehicles per hour is of the same order of magnitude as the number of trips generated by the former prison (165 vehicles per hour) during a peak one-hour period. However it is noted that, in the experience of Maser Consulting, for some warehouse/distribution type facilities, the actual trip generation observed is noticeably less than those computed based on the ITE data.

Based upon the traffic analysis, it is clear that as long as the parcel site development does not exceed 300,000 square feet of warehouse/distribution type facilities or approximately 151 to 177 peak hour vehicle trips, improvements to the Kings Highway/State School Road intersection should not be necessary. It is also clear from the analysis that redevelopment of the Mid-Orange Correctional Facility as a whole, including the greenfield development proposed by WVLDC as part of this application, will eventually require improvements to the Kings Highway/State School Road intersection as the capacity of the intersection is likely to be exceeded at some

point in the development/redevelopment process. To ensure that the burden of these improvements does not fall entirely on the development of later lots, or redevelopment of the existing buildings, it is proposed that a Transportation Improvement District be formed by the Town of Warwick Town Board for all properties within the former Mid-Orange Correctional Facility. This improvement district will be charged with monitoring and implementing any necessary traffic improvements to State School Road and the intersection of State School Road and Kings Highway.

Based on the discussion above, redevelopment of the former Correctional Facility site can accommodate at least 300,000 square feet of warehouse/distribution center type use or 151 to 177 peak hour vehicle trips, without adversely affecting intersection of Kings Highway and State School Road. A Transportation Improvement District will be formed by the Town Board to monitor and implement any necessary improvements to State School Road and the Intersection of State School Road and Kings Highway. Therefore, it is not expected that construction of the Proposed Action will have an unmitigated adverse impact to Traffic and Transportation systems in the vicinity of the project.

22. Air Quality. Since the Subject Parcel is undeveloped, there are currently no air quality contaminants emitted from the parcel. It is envisioned that potential air quality impacts would be de minimus as any proposed use requiring Air Pollution Control Permits from the NYSDEC will be excluded from the site plan and special use permits being issued for this project.

There is a potential temporary impact to air quality associated with construction of the road and individual lots. Fugitive dust is generated during ground clearing and excavation activities. Exposed surfaces and temporary dirt roads may kick up dust as excavation occurs or construction vehicles drive over these surfaces. The potential for fugitive dust is high when the soil is dry and there is a strong wind.

Any proposed use requiring an Air Pollution Control Permit from the NYSDEC will not be permitted. Any uses requiring such permits will need to apply to the Town of Warwick Planning Board for amended site plan approval and an amended SEQR determination.

In addition, Section 164-48 of the Town of Warwick Code outlines several Performance Standards that all lands and buildings in the Town must adhere to so as to not adversely affect the reasonable use of the surrounding areas or adjoining premises. Sections 164-48 C(5),(6), and (7) respectively address smoke, odors, and other forms of air pollution. In addition to conformance with the performance standards, fugitive dust will be controlled during construction by the following methods:

- During dry weather conditions, water will be sprayed on unpaved areas that are subject to heavy construction vehicle traffic.

- Paved areas will be kept clean of loose dirt. Stone tracking pads will be installed at the construction entrance to reduce the likelihood that soil will be tracked onto adjacent roadways.
- Washing stations will be installed at the construction entrance to eliminate debris from construction vehicles.
- Disturbed areas will be seeded and mulched to reduce soil erosion and control dust.

Based on the aforementioned limited impacts and suggested mitigation measures, the Proposed Action will not have a significant adverse impact on air quality resources.

23.Noise. During the construction of the access roadway proposed as part of the Lot #1 Subdivision or construction on the individual lots, construction noises and sounds will be heard coming from the parcel. This impact is temporary in nature and will cease once the improvements are constructed. In addition, when development of the subdivided lots is complete, certain noises customary to office and industrial zones will most likely be audible from the parcel.

Section 164-48 C(3) of the Town of Warwick Zoning Code identifies noise performance standards that must be adhered to by all land and building uses within the Town of Warwick. Any future development of the subdivided lots shall comply with these performance standards. If an applicant is unable to comply with these standards they shall apply to the Town of Warwick Planning Board for an amended site plan approval, amended SEQR determination, and an amended special use permit approval. Based on the aforementioned limited impacts and suggested mitigation measures, the Proposed Action will not have a significant adverse impact on noise resources.

24.Visual. The aesthetic resources of the site, and the immediately surrounding area, will be altered. The potential impacts to these resources include fugitive light, and the conversion of vacant open meadows into roads, parking areas, buildings, and landscaped areas.

Lighting is not proposed as part of the Lot #1 Subdivision roadway improvements. Therefore there are no potential impacts related to lighting from these improvements. However, when development of the subdivided lots occurs, outdoor site and building lighting will be necessary. With the construction of outdoor lighting the potential exists for scenic and visual impacts due to glare. In addition the potential exists for impacts from light pollution and impacts to nearby residential properties.

Impacts to aesthetic resources by converting the site from a vacant use to a commercial use exist. These impacts are minimal as views of the site are limited due

to the isolated nature of the property and the previous prison use that occurred closer to State School Road than the proposed development.

The Town of Warwick Code contains many standards that will mitigate the potential visual impacts of the project. A summary follows:

Lighting. Section 164-43.4 of the Town of Warwick Zoning Code states that “the purpose of this section is to provide standards for outdoor lighting, to encourage lighting that conserves energy and resources while providing safety, utility and security; to maintain and protect the scenic and aesthetic character of the Town; to minimize glare; to protect the privacy of residences; to ensure that development fits into its natural and rural surroundings; to reduce atmospheric light pollution; to avoid impacts on nearby residential properties; and to enhance the Town's nighttime character.” Any application involving outdoor lighting fixtures shall comply with all standards outlined in Section 164-43.4 of the Town of Warwick Zoning Code. If the applicant cannot comply with these standards they will be required to obtain amended site plan approval, an amended SEQR determination, and amended special use permit approval from the Town of Warwick Planning Board.

Landscaping. The visual impact of the project will be mitigated to the greatest extent practical by street plantings that are proposed along the right-of-way and on the interior of the proposed cul-de-sac. In addition, a landscaping plan in compliance with all relevant sections of Chapter 137 and 164 of the Town of Warwick Zoning Codes will be prepared for each proposed building. This plan will be prepared and submitted for review and approval with the building permit application for each lot. If the applicant cannot comply with the landscaping standards, they will be required to obtain amended site plan approval, an amended SEQR determination, and amended special use permit approval from the Town of Warwick Planning Board.

Signage. To further mitigate the potential visual impacts resulting from the construction of future buildings on the subject parcel, each building application shall comply with Section 164-43.1 of the Town of Warwick Code entitled “Signs”. The purpose of the sign regulations is to “strengthen the identity of the Town of Warwick; to preserve rural, natural, historic and scenic beauty by preventing visual sign clutter; to maintain and enhance the aesthetic environment; to support the local economy, help nurture small businesses, and recognize the needs of various types of businesses; to encourage the creative design of signs in character with the context of the community; and to minimize the possible adverse effect of signs on nearby public and private property. The sign regulations are designed to promote and protect the public health, safety, and welfare by regulating signs of all types. They are intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, protect and enhance the aesthetic environment, and enhance the Town's ability to attract sources of economic development and growth.” If the applicant cannot comply with the signs requirements they will be required to obtain amended site plan approval, an amended

SEQR determination, and amended special use permit approval from the Town of Warwick Planning Board. Based on the aforementioned limited impacts and mitigation measures, the Proposed Action will not have a significant adverse impact on aesthetic resources.

SEQR Impact Thresholds ¹ Applying to All New Businesses Within the Subdivision	
Freshwater Wetlands	There shall be no disturbance of NYSDEC wetlands or the wetland's one hundred foot protected adjacent area. There are no Federal Jurisdictional Wetlands on the site so no thresholds have been established nor necessary.
Stormwater	The application for Building Permit for any lot shall be accompanied by a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with the most current NYSDEC and Town of Warwick Code Requirements. Prior to issuance of a Building Permit the SWPPP must be approved by the Town and a Notice of Intent filed with the State to obtain coverage under the NYSDEC General Permit Requirements in affect at the time of application.
Erosion Control	The application for Building Permit for any lot shall be accompanied by a Site-Specific Erosion and Sediment Control Plan. This Plan shall be prepared in accordance with the most recent NYSDEC and Town of Warwick requirements.
Groundwater	To mitigate potential impacts to aquifer and groundwater resources, each site plan submitted as part of the Building Permit application shall comply with the Town of Warwick Zoning Law Section 164-47.2. All current and future proposed stormwater management infiltration facilities shall meet NYSDEC design guidelines and include pre-treatment water quality facilities.
Potable Water Usage & Wastewater Disposal	The potable water and wastewater disposal allotment for each of the subdivided lots is stated in the Zoning Compliance Table.
Cultural Resources	A Phase 1A and 1B Cultural Resource Investigation was completed. This investigation determined that there were no historical or prehistorical resources on the site and therefore no threshold performance standard is required.
Endangered Species	A Habitat Assessment has been completed. This study determined that there was no habitat suitable for any of the Endangered Species that potentially are found in the area with the exception of the Indiana Bat. To mitigate any potential impact to the Indiana Bat, cutting of trees in excess of four inches in diameter at breast height (4" dBA) shall only be permitted between October 1 st and March 31 st . In addition, since the list of Endangered species changes, each application for a Building Permit shall be accompanied by an updated evaluation for Endangered Species using the DEC Environmental Resource Mapper or similar source.
Aesthetic Resources	To mitigate potential impacts to aesthetic resources, each Site Plan submitted as part of the Building Permit application shall comply with the Town of Warwick Design Standards found in Appendix A of the Town of Warwick Zoning Law (on file in the Town Clerk's Office), the Town of Warwick Landscape requirements

¹ Town of Warwick Planning Board amended site plan approval is required for failure of an applicant to comply with any of the SEQR thresholds established. Additional SEQR analysis by the Planning Board will be necessary to establish impact and mitigation requirements.

SEQR Impact Thresholds ¹ Applying to All New Businesses Within the Subdivision	
	found in Sections 164-43.1.C(3)(e), 164-43.1.I(3)(e), 164-43.2.A(7), 164-46.E(4), 164-46.G(3)(n), 164-46.H(8), 164-46.J(97), and 164-47.10.I(3) of the Town of Warwick Zoning Law, the Town of Warwick Lighting Standards found in Section 164-43.4 of the Town of Warwick Zoning Law, and the Town of Warwick Sign Regulations found in Section 164-43.1 of the Town of Warwick Zoning Law.
Noise, Odor & Vibration	The application for Building Permit shall contain a Certification by a NYS Licensed Professional Engineer or Architect, that the proposed site and building improvements will comply with the Town of Warwick Code Section 164-48 Performance Standards. In addition, the Certification should include a statement that the proposed use does not require a NYSDEC Air Pollution Control Permit.
Traffic	It is recognized that improvements to local roads due to development of the site may be necessary. To implement these improvements, a transportation improvement district encompassing the 10 lots will be formed by the Town of Warwick. This District will have the authority to levy taxes against all lots within this project for costs associated with the planning, design, and construction of roadway improvements deemed necessary by the Town Board.

Zoning Compliance Thresholds² Applying to All New Businesses Within the Subdivision

WARWICK VALLEY LOCAL DEVELOPMENT CORPORATION LOT #1 SUBDIVISION, SITE PLAN, AND SPECIAL USE APPROVAL

BULK REQUIREMENTS											
	MINIMUM REQUIRED	LOT #1 PROVIDED	LOT #2 PROVIDED	LOT #3 PROVIDED	LOT #4 PROVIDED	LOT #5 PROVIDED	LOT #6 PROVIDED	LOT #7 PROVIDED	LOT #8 PROVIDED	LOT #9 PROVIDED	LOT #10 PROVIDED
LOT AREA (ACRES)	2	4.47	6.24	2.56	3.00	4.43	7.12	4.11	6.20	3.94	4.61
LOT WIDTH (FEET)	200	722	334	305	337	440	456	200	728	475	428
LOT DEPTH (FEET)	200	230	680	350	358	464	534	519	394	450	574
FRONT SETBACK (FEET)	100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100
REAR SETBACK (FEET)	50	≥ 50	≥ 50	≥ 50	≥ 50	≥ 50	≥ 50	≥ 50	≥ 50	≥ 50	≥ 50
SIDE SETBACK (ONE/BOTH)	50/ 100	≥ 50/100	≥ 50/100	≥ 50/100	≥ 50/100	≥ 50/100	≥ 50/100	≥ 50/100	≥ 50/100	≥ 50/100	≥ 50/100
YARDS ADJACENT TO SPECIAL AREAS (FEET)	200 (100)	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100	≥ 100
OFF-STREET PARKING	OFF-STREET PARKING SHALL COMPLY WITH SECTION 164-43.2 OF THE WARWICK TOWN CODE										
	MAXIMUM PERMITTED	LOT #1 MAXIMUM	LOT #2 MAXIMUM	LOT #3 MAXIMUM	LOT #4 MAXIMUM	LOT #5 MAXIMUM	LOT #6 MAXIMUM	LOT #7 MAXIMUM	LOT #8 MAXIMUM	LOT #9 MAXIMUM	LOT #10 MAXIMUM
FLOOR AREA RATIO	0.4	≤ 0.4	≤ 0.4	≤ 0.4	≤ 0.4	≤ 0.4	≤ 0.4	≤ 0.4	≤ 0.4	≤ 0.4	≤ 0.4
LOT COVERAGE (SQUARE FEET)	40%	77,885	108,726	44,605	52,272	77,188	124,059	71,613	108,029	68,651	80,325
BUILDING HEIGHT (FEET)	BUILDING HEIGHT SHALL BE A MAXIMUM OF FOUR INCHES PER FOOT OF DISTANCE TO NEAREST LOT LINE OR 35 FEET, WHICHEVER IS LESS										
BUILDING HEIGHT (STORIES)	3	≤ 3	≤ 3	≤ 3	≤ 3	≤ 3	≤ 3	≤ 3	≤ 3	≤ 3	≤ 3
WATER CONSUMPTION (GPD)		6,231	8,698	3,568	4,182	6,175	9,925	5,729	8,642	5,492	6,426
SEWAGE CAPACITY (GPD)		6,231	8,698	3,568	4,182	6,175	9,925	5,729	8,642	5,492	6,426

For Further Information:

Contact Person: Connie Sardo, Secretary
 Address: Town of Warwick Planning Board
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 Telephone: 845.986.1127

A Copy of this Notice Filed With:

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

NYS-DEC Environmental Notice Bulletin
 Email: enb@gw.dec.state.ny.us

² Town Board of the Town of Warwick approval is required for any exceedance of water consumption or sewage capacity thresholds. Town of Warwick Planning Board and/or Zoning Board of Appeals approval is necessary for exceedance of any other Zoning thresholds.

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