

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Date: May 8, 2024

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 Orangetown Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: WPT Acquisitions, LLC Proposed Warehouse

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

WPT Acquisitions (the "Applicant") proposes to construct a 175,760-square foot (sf) warehouse with 150 on-site parking spaces, 30 trailer storage spaces, 30 land banked parking spaces, and 34 loading bays (the "Proposed Project") on a 13.805-acre property in the CC, LI, LO, and Route 303 Overlay Zoning Districts (the "Project Site"). The Project Site comprises three tax lots: 74.07-1-36 (12.07-acres), 74.07-1-33 (0.39 acres), and 74.07-1-2 (1.34 acres) which would be merged as part of the Proposed Project. The Project Site is presently improved with a vacant approximately 106,000 sf church which would be demolished to accommodate the Proposed Project. The Applicant proposes to widen Mountain View Avenue from the Project Site entrance to its intersection with NYS Route 303. The Applicant would install a dedicated left turn lane from Mountain View Avenue to NYS Route 303. The Applicant would be responsible for any necessary upgrades to the existing traffic signal at NYS Route 303 and Mountain View Avenue. The proposed roadway and intersection improvements require Highway Work Permits from the NYS Department of Transportation and Town of Orangetown Highway Department. The Proposed Project requires site plan and re-subdivision approval from the Town of Orangetown Planning Board.

Location: 518 NYS Route 303 and 13 & 21 Mountain View Avenue
 Town of Orangetown
 Rockland County, NY

Tax ID: Section 74.07, Block 1, Lots 2, 33, & 36

Reasons Supporting This Determination:

The following materials have been reviewed:

- Letter from Colliers Engineering, dated March 13, 2024
- Letter from Colliers Engineering, dated February 26, 2024
- Letter from Colliers Engineering, dated February 13, 2024
- Preliminary Site Plan (24 sheets) prepared by Colliers Engineering, last revised March 13, 2024
- Orangeburg Industrial – Air Quality & Noise Studies prepared by Colliers Engineering, last revised February 26, 2024
- Crash Analysis Memo prepared by Dynamic Traffic, last revised February 12, 2024
- Meeting Minutes for call with NYSDOT prepared by Dynamic Traffic, dated February 9, 2024

- Conceptual Improvement Plan prepared by Dynamic Traffic, LLC, last revised March 13, 2024
- Vehicular Circulation Plan prepared by Dynamic Traffic, LLC, last revised March 13, 2024
- Vehicle Circulation Plan B prepared by Dynamic Traffic, dated January 10, 2024
- Truck Stacking Exhibit for Mountain View Avenue prepared by Dynamic Traffic, dated December 14, 2023
- Traffic Impact Study prepared by Dynamic Traffic, , last revised December 19, 2023
- Revised Fire Truck Turn Exhibit, prepared by Colliers, last revised November 28, 2023
- Comment Letter from New York State Department of Transportation, dated February 1, 2024
- Full Environmental Assessment Form Part 2 Summary Memo prepared by Colliers Engineering, revised March 30, 2023
- Full Environmental Assessment Form Part 1 prepared by Colliers Engineering, last revised March 30, 2023
- Full Environmental Assessment Form Part 2 prepared by Colliers Engineering, last revised February 16, 2023
- Full Environmental Assessment Form Part 3 prepared by Colliers Engineering, last revised February 1, 2024
- Letter from Veneziano & Associates, dated December 21, 2023
- Letter from Veneziano & Associates, dated March 14, 2024
- A Phase I Environmental Site Assessment (ESA) report (Multiple Parcels, 13-21 Mountain View Avenue) was prepared by WENCK Associates, Inc. (WENCK) in December 2020.
- A Phase I ESA report (Vacant Parcel, 518 Route 303) was prepared by WENCK in January 2021.
- A Phase II ESA report (13 Mountain View Ave. & 518 Route 303) was prepared by Odelphi Environmental, Inc. in October 2019.
- Memorandums from AKRF, Inc. to the Town of Orangetown Planning Board dated September 14, 2022, November 2, 2022, March 21, 2023, November 3, 2023, February 28, 2024, and April 24, 2024.

On April 13, 2022, the Planning Board classified the proposed action as a Type I Action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected.

The Planning Board held publicly noticed meetings on May 8, 2024; February 28, 2024; January 24, 2024; April 12, 2023; November 8, 2023; November 9, 2022; and April 13, 2022, at which time members of the public were given the opportunity to comment on the proposed project.

Potential Impact on Land

The Proposed Project involves the construction on and physical alteration of the Project Site. However, the Project Site is previously developed, and the Proposed Project would not impact significant environmental or geological features as none are present on the Project Site. The depth to the water table is greater than 3 feet, a minimal amount of steep slopes greater than 15% would be disturbed, the Project Site does not contain exposed bedrock, and the Project Site is not located within a Coastal Erosion Hazard Area. The Proposed Project would remove fewer than 1,000 tons of natural material from the Project Site. The Proposed Project would disturb more than one acre and would increase the amount of impervious surface on the Project Site. However, a Stormwater Pollution Prevention Plan (SWPPP) has been designed and will be implemented to manage erosion and minimize stormwater runoff. In addition,

the Proposed Project would be phased to limit the amount of disturbance at any one point in time per the request of Orangetown DEMA in granting a waiver from the 5-acre disturbance limit identified in the SPDES General Permit for Construction Activity (GP-0-20-001).

Potential Impact on Water Resources and Flooding

There are no wetlands or surface water resources on the Project Site. A SWPPP has been prepared to manage stormwater runoff from the Project Site. Stormwater would be captured onsite and conveyed by an existing municipal storm sewer. The Project Site is not located within a floodway or floodplain. However, the Sparkill Creek traverses under Mountain View Avenue at its intersection with Route 303. This culvert is currently planned to be improved to minimize flooding at the intersection. As part of the Proposed Project, the Applicant would pay for the increase in cost to extend the culvert/bridge to accommodate the proposed widening of Mountain View Avenue. With these improvements in place, the Proposed Project is not anticipated to result in any significant adverse impacts to water resources or cause flooding.

Potential Impact on Groundwater Resources

The Proposed Project is not anticipated to result in any significant adverse impacts to groundwater resources. The Proposed Project would connect to existing public water supply and sanitary sewer systems with adequate capacity and adequate plans for growth. In addition, as a warehouse use, the amount of water use and sanitary sewage generation would be minimal. As such, there would be no onsite wells or sanitary discharge to groundwater. In addition, the Proposed Project would not include petroleum or chemical storage, nor would it involve the commercial application of pesticides.

Potential Air Quality Impacts

The Applicant analyzed the potential impacts to air quality from mobile and stationary sources associated with the Proposed Project. The analysis, which was reviewed by the Lead Agency's air quality consultants, found that the Proposed Project would not result in any significant adverse air quality impacts.

Potential Impacts to Natural Resources

The Project Site is largely developed. As such, there are no significant plant or animal habitats on the Project Site. Therefore, no significant adverse impacts to natural resources are anticipated.

Potential Impacts to Aesthetic Resources

The Project Site was evaluated for potential visibility from officially designated and publicly accessible aesthetic resources. The only eligible and potentially impacted Aesthetic Resource is the Clausland Mountain Viewshed, located roughly 3,000 feet east of the Project Site. However, that viewshed includes existing views of the Route 303 corridor, which has existing warehouse and commercial uses to the Proposed Project. Since the Proposed Project is in the same scale, size, and architectural appearance as several existing industrial properties to the immediate north and east of the Project Site, all within the Clausland Mountain viewshed, no significant adverse impacts to aesthetic resources are anticipated. Furthermore, the Proposed Project includes landscaped screening along the property boundaries to minimize views of the new facility.

Potential Impacts to Historic and Archeological Resources

The Proposed Project would not result in any impacts to historic or archeological resources. The Project Site does not contain, nor is it substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places. There are no listed historic or cultural resources within 1,000 feet of the Project Site. In addition, the site has not been determined by the

Commissioner of the NYS Office of Parks Recreation and Historic Preservation to be eligible for listing on the State Register of Historic places.

Potential Impacts on Transportation

The Proposed Project would generate new truck trips on NYS Route 303 and Mountain View Avenue. Potential traffic impacts were thoroughly evaluated in a traffic impact study prepared by the Applicant and a separate traffic study prepared by the Lead Agency's consultant. Both traffic impact studies were peer reviewed by the Lead Agency's traffic consultant. To mitigate potential traffic impacts, the Proposed Project incorporate the following improvements which have been reviewed and conceptually approved by the New York State Department of Transportation:

1. Installation of camera detection at the Mountain View Avenue/NYS Route 303 intersection and Orangeburg Road /NYS Route 303 intersection.
2. Project Site entrance on NYS Route 303 shall be right tun in/right turn out only. All trucks seeking to turn left must use the signalized intersection at Mountainview Avenue.
3. Widening and rebuilding of Mountainview Avenue to accommodate two eastbound lanes (one left turn, one through and right turn) and one westbound lane. Associated with this improvement, the Applicant would widen the culvert/bridge under Mountain View Avenue. The Applicant would also be responsible for necessary improvements to the existing traffic signal at NYS Route 303 and Mountain View Avenue, including adding a new signal head at the eastbound approach and realigning the traffic signal head locations for the northbound approach.

Therefore, with the proposed improvements in place, the Proposed Project would not result in any significant adverse impacts to transportation.

Potential Impact on Energy

The Proposed Project is not anticipated to result in any significant adverse impacts to energy use. The Project Site is a redevelopment site, and the existing infrastructure present at the property is anticipated to have the necessary capacity to support the Proposed Project. The Proposed Project will not require the creation or extension of an energy transmission or supply system. Although the Proposed Project may involve heating and/or cooling of more than 100,000 square feet of building area when completed, the building is designed to a semi-heated space. As such, during the winter months, the building would only be heated to fifty-five degrees in compliance with semi-heated code requirements.

Potential Impact on Noise, Odor, and Light

The Applicant analyzed the potential noise impacts from mobile and stationary sources associated with the Proposed Project. Based on this analysis, a sound barrier may be required to achieve a 13-17 dBA reduction in cumulative sound level at two receptors. However, because achieving this level of performance from an outdoor barrier is challenging and would require the barrier to be tall and very close to sources and/or receivers, the Applicant shall be required to study the barrier closer to final design but prior to consideration of final site plan approval. With the sound barrier in place, the Proposed Project would not result in any significant adverse noise impacts. In addition, the Proposed Project would not utilize blasting during construction.

No odors would be produced from the Proposed Project.

The Proposed Project includes outdoor lighting within the parking lot and safety lighting. All fixtures will be fully shielded, downward-directed and no light spillage would occur onto adjacent properties or roadways. The lighting has been designed to minimize glare.

Potential Impacts on Human Health

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The Project Site is not located on, adjacent to, or near a contaminated site and will not use, create, dispose of, or store hazardous substances. A Phase I Environmental Site Assessment was prepared for the Project Site and found no evidence of recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs) or historical recognized environmental conditions (HRECs) in connection with the subject property. A Phase II Subsurface Investigation was prepared that detected no PCB compounds nor semi-volatile organic compounds in the samples taken. The compounds that were detected were at concentrations below the NYS limits.

Although the Phase I ESA concluded that no RECS were present, the Lead Agency considers there to be a Business Environmental Risk (BER) related to the 13 Mountain View Avenue parcel based on the historical use of pharmaceutical research. The BER status is supported by the waste generation documented by the Phase I, which included several petroleum and halogenated solvents including carbon disulfide, and the carbon disulfide that was detected in groundwater collected from the Site during the Phase II ESA. Additionally, no closure data was included regarding the 20,000-gallon fuel oil UST, details are not available related to the chemical storage and handling practices of the former medical/pharmaceutical research companies, and the operation/discharge specifics of the potential wastewater treatment building. The existing ASTs and transformer should be removed in accordance with all existing local, state, and federal regulations.

Prior to the issuance of a building permit or site disturbance, a Soil Management Plan (SMP) shall be required to address the existing issues identified by the previous ESAs, and/or unknown issues encountered during site earthwork. The SMP shall include:

1. Handling, stockpiling, and disposal procedures for any historic fill material encountered during site earthwork.
2. A contingency plan to address any unknown underground storage tanks encountered during the site earthwork.
3. A contingency plan to address any areas with evidence (staining or odors) of soil contamination, especially during excavation near former 20,000-gallon fuel oil UST location, and demolition of the water treatment building/underground sump and weir system.
4. Management and handling of excavated materials should be conducted in accordance with applicable federal, state, and local regulations including testing requirements for offsite disposal and reuse.

With the SMP in place, no significant adverse impacts to human health are anticipated.

Potential Impacts on Land Use and Zoning

The Proposed Project is an allowable use and consistent with local zoning and the applicable bulk and parking standards. No variances are required. The Project Site is zoned LI1 which permits, among other uses, "Warehouse sales or storage/Warehouses." The proposed use is consistent with other commercial land uses along the Route 303 corridor.

Potential Impacts on Community Character

The Project Site is located on Route 303, which is largely commercial and industrial. Previous uses on the Project Site include a church and a manufacturing facility. The Project Site is adjacent to a strip shopping center to the east, an industrial facility to the north, and a freight railway line to the west. There are residential uses on Mountain View Avenue to the southeast and a college farther to the west. Trees and landscaping are proposed along the Project Site boundaries to minimize views of the Proposed Project from offsite locations.

Conclusion

The Planning Board has reviewed the full Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public. In addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in “a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;” (§617.7(c)(1)(i))
- (ii) Not result in “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;”(§617.7(c)(1)(iii))
- (iii) Not result in “the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;” (§617.7(c)(1)(iii))
- (iv) Not result in “the creation of a material conflict with a community’s current plans or goals as officially approved or adopted;” (§617.7(c)(1)(iv))
- (v) Not result in “the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;” (§617.7(c)(1)(v))
- (vi) Not result in “a major change in the use of either the quantity or type of energy;” (§617.7(c)(1)(vi))
- (vii) Not result in “the creation of a hazard to human health;” (§617.7(c)(1)(vii))
- (viii) Not result in “a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;” (§617.7(c)(1)(viii))
- (ix) Not result in “the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;” (§617.7(c)(1)(ix))
- (x) Not result in “the creation of a material demand for other actions that would result in one of the above consequences;” (§617.7(c)(1)(x))
- (xi) Not result in “changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

The Planning Board of the Town of Orangetown, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the Proposed Action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Jane Slavin, RA., Director
Address: Town of Office of Building, Zoning, Planning, Administration and Enforcement
20 Greenbush Road
Orangetown, NY 10962
Telephone Number: (845)359-8410 x4302

A Copy of this Notice has been filed with:

- Rockland County Planning Department
- Rockland County Highway Department
- Rockland County Park Commission
- Rockland County Environmental Resources
- Rockland County Drainage Agency
- Rockland County Health Department
- Rockland County Sewer District No. 1
- Town of Orangetown OBZPA
- Town of Orangetown DEMA
- Town of Orangetown Highway
- Town of Orangetown DTA
- Town of Orangetown Fire Prevention
- Town of Orangetown Traffic Advisory Board
- Town of Orangetown ZBA
- Town of Orangetown Park & Recreation
- New York State Department of Transportation
- New York State Department of Environmental Conservation
- Orange and Rockland Utilities
- Veolia
- CSX Railroad
- Environmental Notice Bulletin

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