

James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.

Nicholas A. Pascale
Benjamin M. Wilkinson
Sebastian Lemos
Hunter D. Raines
Taylor M. Palmer

*LL.M. in Taxation

July 12, 2013

BY HAND DELIVERY

Chairman John P. Ewasutyn
Planning Board
Town of Newburgh
308 Gardnertown Road
Newburgh, New York 12550

Re: Volkswagen of Newburgh // Site Plan Application//Planning
Board No.: 2013-11
Our File No.: 13953-65377

Dear Chairman Ewasutyn and Planning Board Members:

I am pleased to enclose the application for site plan approval for Volkswagen of Newburgh, a proposed Volkswagen automobile dealership on property located off NYS Route 17K, directly east of the United States National Guard Entrance to Stewart Airport (McDonald Street). The property, identified on the tax map as section 95, block 1, lot 53 (SBL 95-1-53), is located in the Town's IB – Interchange Business zoning district. My client, Route 17 Cars, LLC, is the contract purchaser of this property, and is proposing to construct a +/- 23,340 square foot Volkswagen car dealership facility, together with vehicle display areas, car wash facilities for dealership vehicles, and parking for 236 total vehicles.

In addition to the site plan application, we submit a full Environmental Assessment Form. We also submit an application for Architectural Review Board approval, together with architectural plans for the project.

We are pleased to now proceed before the Planning Board for its technical review. Please place us on your August 15th agenda. We would like to make a full presentation to the Board at that time.

Very truly yours,



DOMINIC CORDISCO

DRC/TMP/lws/309406
Enclosures

cc: Ken Wersted, P.E.
Joseph Sarchino, P.E.
Eric Kahn
Peter Burack

TOWN OF NEWBURGH PLANNING BOARD

APPLICATION PACKAGE

for

SUBDIVISIONS

and

SITE PLANS

Procedures and Requirements

August 2005

**TOWN OF NEWBURGH PLANNING BOARD
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845) 564-7804
fax: (845) 564-7802**

August 2005

TO WHOM IT MAY CONCERN:

This package of information and forms is provided to assist the applicant in the preparation of a submission of a site plan, subdivision or lot line change to the Town of Newburgh Planning Board. In most cases the application will be prepared initially by a licensed professional engineer, architect, surveyor or by a land planner. Since in almost every case such professional will be required for the process, they should be retained as early as possible.

Procedurally, the applicant should contact the Planning Board to discuss the potential project and obtain the necessary forms and regulations.

The Zoning and Subdivision Regulations of the Town of Newburgh require that the applicant must present plans to the Secretary of the Planning Board. When your application is complete, it will be placed on the next **AVAILABLE** agenda. Submittals must be handed in to the Planning Board Secretary at least 10 days prior to the next meeting, but the date of the appearance at a meeting will be determined by the next available time slot, not necessarily the next meeting. You will be notified of the date, time and place of your meeting.

A minimum of **FOURTEEN (14)** sets of **FOLDED PLANS** for a major or minor subdivision or a site plan must be submitted with a **COMPLETED** application, and **FIFTEEN (15)** sets of plans must be submitted if plans need to be submitted to the Town of Newburgh Traffic Consultant. This completed application must include a **LONG FORM OR FULL EAF** for every project except lot line changes, 2 lot subdivisions under 3 acres or site plans impacting less than one acre, along with a **NARRATIVE** of the proposed project. The narrative should include the action being taken, the size of the parcel, what zone the parcel is in, the water and sewer information, any Zoning Board of Appeals relief needed, and whether the parcel is on a private or town road. Complex or unusual projects should be discussed in greater detail.

Upon initial review of a Short Form, the Planning Board may require specific additional environmental information or the preparation of a Long Form. Long Form part 1 should be completed by the applicant. The Board will review and may modify Part 2 prior to making a decision on the SEQRA aspect of the project.

All fees for consulting and professional services that the Planning Board incurs during the review of the applications will be the responsibility of the applicant. An advance deposit for these fees will be required and will be placed in an escrow account with the Town. If the escrow account falls below the 40% of the initial deposit, the applicant will be required to immediately make an additional deposit to the escrow account prior to any further review of the project application by the Planning Board.

Very truly yours,

JOHN P. EWASUTYN, Chairman
Town of Newburgh Planning Board

**TOWN OF NEWBURGH
APPLICATION FOR
SUBDIVISION/SITE PLAN REVIEW**

**RETURN TO: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550**

DATE RECEIVED: _____ **TOWN FILE NO:** 2013-11
(Application fee returnable with this application)

1. Title of Subdivision/Site Plan (Project name):
Volkswagen of Newburgh _____

2. Owner of Lands to be reviewed:
Name Newburgh Commons, LLC _____
Address Two Shinev Court _____
Monroe, New York 10950 _____
Phone _____

3. Applicant Information (If different than owner):
Name Route 17 Cars, LLC _____
Address 1143 Dutchess Turnpike _____
c/o Friendly Honda _____
Poughkeepsie, New York 12603 _____
Representative Eric Kahn _____
Phone 845-454-2400 ext 122 _____
Fax 845-454-0041 _____
Email ekahn@friendlyhonda.net _____

4. Subdivision/Site Plan prepared by:
Name John Meyer Consulting, PC _____
Address 120 Bedford Road _____
Armonk, New York 10504 _____
Phone/Fax (914) 273-5225 _____

5. Location of lands to be reviewed:
NYS Route 17K at the intersection of McDonald St., Town of Newburgh _____

6. Zone IB _____ **Fire District** _____
Acreage 5.10 _____ **School District** Newburgh Enlarged City School District _____

7. Tax Map: Section 95 _____ **Block** 1 _____ **Lot** 53 _____

8. Project Description and Purpose of Review:

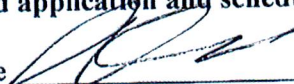
Number of existing lots ¹ _____ Number of proposed lots ¹ _____
Lot line change No _____
Site plan review Yes _____
Clearing and grading Yes _____
Other Freestanding and building mounted business and identification signage. _____

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

9. Easements or other restrictions on property:

(Describe generally) _____

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

Signature  _____ Title Attorney for the Applicant _____

Date: July 8, 2013

NOTE: If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

TOWN OF NEWBURGH PLANNING BOARD

Volkswagen of Newburgh

PROJECT NAME

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. Environmental Assessment Form As Required
2. Proxy Statement
3. Application Fees
4. Completed Checklist (Automatic rejection of application without checklist)

II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda.

Non-submittal of the checklist will result in application rejection.

1. Name and address of applicant
2. Name and address of owner (if different from applicant)
3. Subdivision or Site Plan and Location
4. Tax Map Data (Section-Block-Lot)
5. Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6. Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7. Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. Date of plan preparation and/or plan revisions
9. Scale the plan is drawn to (Max 1" = 100')
10. North Arrow pointing generally up

11. X Surveyor,s Certification
12. X Surveyor's seal and signature
13. X Name of adjoining owners
14. X Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15. X Flood plain boundaries
16. X Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
17. X Metes and bounds of all lots
18. X Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street
19. X Show existing or proposed easements (note restrictions)
20. X Right-of-way width and Rights of Access and Utility Placement
21. X Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)
22. X Lot area (in sq. ft. for each lot less than 2 acres)
23. X Number of lots including residual lot
24. X Show any existing waterways
25. N.A. A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
26. X Applicable note pertaining to owners review and concurrence with plat together with owner's signature
27. X Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.
28. N.A. Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided
29. X Show topographical data with 2 or 5 ft. contours on initial submission

30. X Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
31. N.A. If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed
32. X Number of acres to be cleared or timber harvested
33. X Estimated or known cubic yards of material to be excavated and removed from the site
34. X Estimated or known cubic yards of fill required
35. X The amount of grading expected or known to be required to bring the site to readiness
36. N.A. Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
- _____
- _____
- _____
37. N.A. Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.
- _____
- _____
- _____

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.

By: JOSEPH SARCHINO
Licensed Professional

Date: July 8, 2013

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Prepared 8/11/05
 STATEMENT TO APPLICANTS

RE: TOWN OF NEWBURGH CLEARING AND GRADING LAW

The Town of Newburgh Clearing and Grading Control Law requires a separate permit for most site preparation activities, including clearing, grading, tree cutting, excavating and filling. Site preparation activities performed following site plan or subdivision approval by the Planning Board may be exempt from the permit application, public hearing, fee and bonding requirements of the law provided the subdivision or site plan application has been reviewed for conformance with the clearing and grading law and the approval conditioned on compliance with the standards set forth in the law. Completion of the attached form will enable the Planning Board to review your application for conformance with the law's requirements. In the event it is not completed you may be required to apply for a separated permit for your site preparation activities. A sediment and erosion control plan and a plan showing the areas to be cleared, filled, graded or subjected to tree cutting, the types of vegetation affected and the proposed disposition of the destroyed vegetation must accompany the form. A SEQRA long form or full EAF should be utilized to discuss any environmental impacts and must accompany the application.

TOWN OF NEWBURGH
APPLICATION FOR CLEARING AND GRADING

Name of applicant: Route 17 Cars, LLC

Name of owner on premises: Newburgh Commons LLC

Address of owner: 2 Shinev Court, Monroe, New York 10950

Telephone number of owner: _____

Telephone number of applicant: 845-454-2400 ext. 122

State whether applicant is owner, lessee, agent, architect, engineer or contractor:
Contract Vendee

Location of land on which proposed work will be done: 114-118 Route 17K,
in proximity to McDonald Street, Town of Newburgh, NY 12550.

Section: 95 Block: 1 Lot: 53 Sub. Div.: _____

Zoning District of Property: IB Size of Lot: 5.10 Acres

Area of lot to be cleared or graded: 4.5 +/- Acres

Proposed completion of date: One (1) year after receipt of building permit.

Name of contractor/agent, if different than owner: Route 17 Cars, LLC

Address: 1143 Dutchess Turnpike c/o Friendly Honda, Poughkeepsie, New York 12603

Telephone number: 845-454-2400 ext. 122

Date of Planning Board Approval: _____ (if required)

I hereby agree to hold the Town of Newburgh harmless from any claims arising from the proposed activity.

Signature of owner: _____ Date: _____

Signature of applicant (if different than owner): 

TOWN ACTION:

Examined: _____ 20 _____

Approved: _____ 20 _____

Disapproved: _____ 20 _____

FEE LAW SUMMARY

PENDING APPLICATIONS

All applicants with matters pending before the Planning Board as of the effective date of this local law shall be required to post as escrow in the manner and upon the terms and conditions set forth below:

- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the Town. Such amount shall be reasonably related to the costs attendant to the Town's review of the application as of the effective date of this local law. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the Town prior to the effective date of this local law.
- (b) Once computed and established by Resolution of the Planning Board, the applicant shall, within fifteen (15) days of said resolution, post escrow fees with the Secretary of the Planning Board. Failure to deliver the said escrow fees may result in delay of the further processing of the application.

SEVERABILITY

In the event a court of law determined that any provision of this chapter is unenforceable, then only that provision shall be affected and all other provisions shall be fully enforceable.

EFFECTIVE DATE:

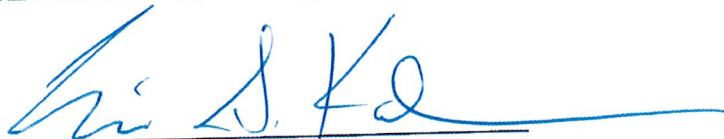
This local law shall take effect immediately upon filing in the Office of the Secretary of State.

FEE ACKNOWLEDGEMENT

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

Route 17 Cars, LLC

APPLICANT'S NAME (printed)



APPLICANTS SIGNATURE

7/9/13

DATE

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

PROXY

(OWNER) Newburgh Commons LLC, **DEPOSES AND SAYS THAT HE/SHE**

RESIDES AT Two Shinev Court, Monroe, New York


IN THE COUNTY OF Orange

AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF a certain parcel of real property located on NYS Route 17K, at the intersection of McDonald Street, Town of Newburgh, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH PLANNING BOARD AND Route 17 Cars, LLC **IS AUTHORIZED TO REPRESENT THEM AT MEETINGS OF SAID BOARD.**

DATED: _____



OWNERS SIGNATURE

Dominic Cordisco, Esq.

John Meyer Consulting, PC



OWNERS NAME (printed)

WITNESS' SIGNATURE

NAMES OF ADDITIONAL REPRESENTATIVES

WITNESS' NAME (printed)

PLANNING BOARD DISCLAIMER STATEMENT
TO APPLICANTS

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

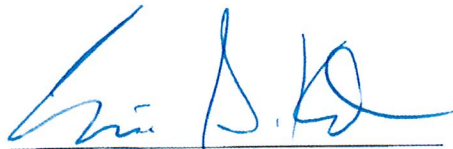
The applicant hereby acknowledges, consents, and agrees to the above.

Route 17 Cars, LLC

7/9/13
DATED

by: Eric Kahn

APPLICANT'S NAME (printed)



APPLICANT'S SIGNATURE

AGRICULTURAL DATA STATEMENT

(Required pursuant to Agricultural and Markets Law §305-a for applications for site plan approvals, use variances and subdivision approvals that will occur on property within a County Agricultural District containing an active farm operation or on property with boundaries within five hundred feet of an active farm operation located in a County Agricultural District)

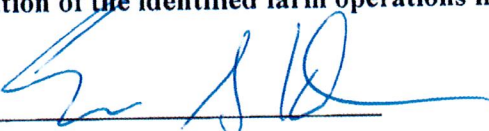
Name and address of the applicant: N.A.

Description of the proposed project: _____

Location of the proposed project: _____

Name(s) and address(es) of any owner(s) of land within a County Agricultural District containing active farming operations and located within five hundred feet of the boundary of the project property: _____

A tax map or other map showing the site of the proposed project relative to the location of the identified farm operations must be attached to this form.



APPLICANT'S SIGNATURE

7/9/13

DATE

ARCHITECTURAL REVIEW

The Town of Newburgh Planning Board had been authorized to act as the Architectural Review Board for all: site plans, projects involving ten or more dwelling units, and any construction that would affect the character of a neighborhood under Section §185-59 of the Town Code (Zoning Law).

In order to perform this task, at some point prior to final approval, the applicant shall provide the Planning Board with elevations of buildings for all sides and a written (separately or on drawings) description of the materials, colors and textures to be used in construction. Plans shall also include topographical information and any screening of portions of the buildings, either existing or proposed.

Samples of the material and colors to be used shall either be submitted to the Planning Board or brought to the meeting at which architectural review will be discussed.

ARCHITECTURAL REVIEW FORM
TOWN OF NEWBURGH PLANNING BOARD

DATE: 7/9/13

NAME OF PROJECT: Volkswagen of Newburgh

The applicant is to submit in writing the following items prior to signing of the site plans.

EXTERIOR FINISH (skin of the building):

Type (steel, wood, block, split block, etc.)
ACM metal panel, EIFS, and low profile metal panel in the rear.

COLOR OF THE EXTERIOR OF BUILDING:

White.

ACCENT TRIM:

Location: Front facade, sides, and rear.

Color: White.

Type (material): Front - ACM metal panel, Sides - Half ACM & Half EIFS, Rear - Low profile metal panel.

PARAPET (all roof top mechanicals are to be screened on all four sides):

ROOF:

Type (gabled, flat, etc.): Standing seam metal roof.

Material (shingles, metal, tar & sand, etc.): Metal.

Color: Silver.

WINDOWS/SHUTTERS:

Color (also trim if different): _____

Type: Clear anodized aluminum storefront.

DOORS:

Color: Clear anodized aluminum storefront.

Type (if different than standard door entrée): _____

SIGN:

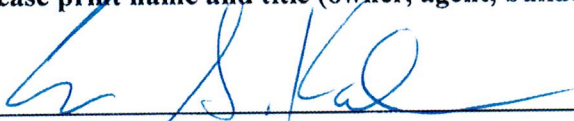
Color: White and Volkswagen Blue.

Material: _____

Square footage of signage of site: Yet to be determined.

Route 17 Cars, LLC (Contract Vendee)

Please print name and title (owner, agent, builder, superintendent of job, etc.)



Signature

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonable determined by the lead agency that:

- A. The Project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 has been required, therefore **a CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions

Route 17K VW Dealership

Name of Action

Town of Newburgh Planning Board

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire Form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Route 17K VW Dealership		
LOCATION OF ACTION (include Street Address, Municipality and County) 114 Route 17K, Town of Newburgh, Orange County		
NAME OF APPLICANT/SPONSOR ABS Partners Real Estate, LLC		
ADDRESS 550 Mamaroneck Avenue, Suite 404		
CITY/PO Harrison	STATE NY	ZIP CODE 10528
BUSINESS TELEPHONE (212) 400-6060		
NAME OF OWNER (if different) Newburgh Commons LLC		
ADDRESS 51 North Broadway		
CITY/PO Nyack	STATE NY	ZIP CODE 10960
BUSINESS TELEPHONE		
DESCRIPTION OF ACTION: It is proposed to redevelop this ±5.02 acre property with a Volkswagen Automobile Dealership consisting of a ±23,340 square foot building containing an automobile showroom/sales area, a vehicle servicing area and associated customer, display and storage parking spaces totaling 237.		

Please Complete Each Question - Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: ±5.0 acres:

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>3.82</u> acres	<u>0</u> acres
Forested	<u>0.6</u> acres	<u>0</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Article 24, 25 of ECL)	<u>0.05</u> acres	<u>0</u> acres
Water Surface Area	<u>0.03</u> acres	<u>0.03</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>0</u> acres
Roads, Buildings and Other Paved Surfaces	<u>0.5</u> acres	<u>2.9</u> acres
Other (Indicate type) Lawn & landscaping	<u>0</u> acres	<u>2.07</u> acres

3. What is predominant soil type(s) on project site? BnB silt loams; MdB gravelly silt loam
- a. Soil drainage Well drained 95 % of site Moderately well drained 4 % of site
 Poorly drained 1 % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres. (See 1 NYCRR 370)

4. Are there bedrock outcroppings on the project site? Yes No
- a. What is depth to bedrock? 8± (in feet)

5. Approximate percentage of proposed project site with slopes: 0-10% 60 % 10-15% 35 %
 15% or greater 5 %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? 2.5+ (in feet)
9. Is site located over a primary, principal or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to Based on field observation; potential rare plants and rare animals are
Identify each species in vicinity in the area according to the NYSDEC online environmental
resource mapper
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
 Yes No Describe N/A
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain N/A
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous to project area: Unnamed Stream
a. Name of Stream and name of River to which it is tributary Silver Stream
16. Lakes, ponds, wetland areas within or contiguous to project area:
a. Name N/A b. Size (In acres) N/A
17. Is the site served by existing public utilities? Yes No
a. If Yes, does sufficient capacity exist to allow connection? Yes No
b. If yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Market Law, Article 25-AA Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous waste? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 5.1 acres.
- b. Project acreage to be redeveloped 5.1 acres initially; 5.1 acres ultimately.
- c. Project acreage to remain undeveloped 0 acres.
- d. Length of project, in miles N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed N/A %
- f. Number of off-street parking spaces existing ±12; proposed 237
- g. Maximum vehicular trips generated per hour 55 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
| Ultimately | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
- i. Dimensions (in feet) of largest proposed structure 26 height; 125 width; 185 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 370 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? TBD ton/cubic yards
3. Will disturbed areas be reclaimed? Yes No N.A.
- a. If yes, for what intended purpose is the site being reclaimed? Building, parking, landscaping
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 4.5 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
 Yes No
6. If single phased project: Anticipated period of construction 12-15 months, (including demolition).
7. If multi-phased:
- Total number of phases anticipated N/A (number).
 - Anticipated date of commencement phase 1 N/A month N/A year, (including demolition).
 - Approximate completion date of final phase N/A month N/A year.
 - Is phase 1 functionally dependent on subsequent phases? Yes No N/A
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction 60; after project is complete 30-40.
10. Number of jobs eliminated by this project 0
11. Will project require relocation of any projects or facilities? Yes No If yes, explain N/A
12. Is surface liquid waste disposal involved? Yes No
- If yes, indicate type of waste (sewage, industrial, etc.) and amount N/A
 - Name of water body into which effluent will be discharged N/A
13. Is subsurface liquid waste disposal involved? Yes No Type N/A
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
 If yes, explain N/A
15. Is project or any portion of project located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
- If yes, what is the amount per month 2-3 tons
 - If yes, will an existing solid waste facility be used? Yes No
 - If yes, give name Orange County Transfer location Newburgh, NY
 - Will any waste **not** go into a sewage disposal system or into a sanitary landfill? Yes No
 - If Yes, explain N/A
17. Will the project involve the disposal of solid waste? Yes No
- If yes, what is the anticipated rate of disposal? N/A tons/month.
 - If yes, what is the anticipated site life? N/A years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day?) Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
 If yes, indicate type(s) Electricity and natural gas
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day ±2,000 gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
 If yes, explain N/A

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Site Plan</u>	<u>7/13</u>
City, Town , Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Water Connection</u>	<u>9/13</u>
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Water Connection</u>	<u>TBD</u>
Other Local Agencies (Town Water)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Other Regional Agencies (County Planning)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ⁽¹⁾	<u>Site Plan</u>	<u>TBD</u>
State Agencies (NYSDOT)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Curb Cut; Signal Modification;</u>	
		<u>Hwy. Work Permit</u>	<u>TBD</u>
		<u>Site Plan</u>	<u>TBD</u>
Federal Agencies (FAA)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Nationwide Permi 39</u>	<u>TBD</u>
(ACOE)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

⁽¹⁾ Referral

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No
 If yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other _____
2. What is the zoning classification(s) of the site? IB "Interchange Business District"
3. What is the maximum potential development of the site if developed as permitted by the present zoning?
Maximum building coverage 40% = ±85,000 s.f.
4. What is the proposed zoning of the site? N/A
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N/A
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
7. What are the predominant land use(s) and zoning classification within a 1/4 mile radius of proposed action?
IB-Business; R1, R2 Residential
8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes No
9. If the proposed action is the subdivision of land, how many lots are proposed? N/A
 a. What is the minimum lot size proposed? N/A
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No _____

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name John Meyer Consulting, PC, Agent Date 7/9/13
 Signature [Signature] Title Principal

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

**Part 2-PROJECT IMPACTS AND THEIR MAGNITUDE
Responsibility of Lead Agency**

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- Maybe** answers should be considered as **Yes** answers.
- If answering yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identify that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in Part 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1 Will the proposed action result in a physical change to the project site?
 NO YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts _____

2 Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) NO YES

- Specific land forms: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO

IMPACT ON WATER

3 Will proposed action affect body designated as protected?
 (Under Articles 15,24,25 of the Environmental Conservation Law, ECL)
 NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts: _____

4 Will proposed action affect any non-protected existing or new body of water?
 NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: _____

5 Will Proposed Action affect surface or groundwater quality or quantity?
 NO YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: _____

6 Will proposed action alter drainage flow or patterns, or surface water runoff?
 NO YES

Examples that would apply to column 2

- Proposed Action would change flood water flows.
- Proposed Action may cause substantial erosion.
- Proposed Action is incompatible with existing drainage patterns.
- Proposed Action will allow development in a designated floodway.
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO

IMPACT ON AIR

7 Will proposed action affect air quality? NO YES

Examples that would apply to column 2

- Proposed Action will induce 1,000 or more vehicle trips in any given hour.
- Proposed Action will result in the incineration of more than 1 ton of refuse per hour.
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.
- Proposed action will allow an increase in the amount of land committed to industrial use.
- Proposed action will allow an increase in the density of industrial development within existing industrial areas.
- Other impacts: _____

IMPACT ON PLANTS AND ANIMALS

8 Will Proposed Action affect any threatened or endangered species? NO YES

Examples that would apply to column 2

- Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.
- Removal of any portion of a critical or significant wildlife habitat.
- Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
- Other impacts: _____

9 Will Proposed Action substantially affect non-threatened or non-endangered species? NO YES

Examples that would apply to column 2

- Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
- Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.
- Other impacts: _____

IMPACT ON AGRICULTURAL LAND RESOURCES

10 Will the Proposed Action affect agricultural land resources? NO YES

Examples that would apply to column 2

- The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.
- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff)
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO

IMPACT ON AESTHETIC RESOURCES
 11 Will proposed action affect aesthetic resources? NO YES
 (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

- Examples** that would apply to column 2
- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
 - Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
 - Project Components that will result in the elimination or significant screening of scenic views known to be important to the area.
 - Other impacts: _____

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES
 12 Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance? NO YES

- Examples** that would apply to column 2
- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
 - Any impact to an archaeological site or fossil bed located within the project site.
 - Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
 - Other impacts: _____

IMPACT ON OPEN SPACE AND RECREATION
 13 Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? NO YES

- Examples** that would apply to column 2
- The permanent foreclosure of a future recreational opportunity.
 - A major reduction of an open space important to the community.
 - Other impacts: _____

IMPACT ON CRITICAL ENVIRONMENTAL AREAS
 14 Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? NO YES
 List the environmental characteristics that caused the designation of the CEA.

- Examples** that would apply to column 2
- Proposed Action to locate within the CEA?
 - Proposed Action will result in a reduction in the quantity of the resource?
 - Proposed Action will result in a reduction in the quality of the resource?
 - Proposed Action will impact the use, function or enjoyment of the resource?
 - Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO

IMPACT ON TRANSPORTATION

15 Will there be an effect to existing transportation systems?
 NO YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts: _____

IMPACT ON ENERGY

16 Will proposed action affect the community's sources of fuel or energy supply?
 NO YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts: _____

NOISE AND ODOR IMPACTS

17 Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?
 NO YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts: _____

IMPACT ON PUBLIC HEALTH

18 Will Proposed Action affect public health and safety?
 NO YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts: _____

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19 Will Proposed Action affect the character of the existing community?
 NO YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.).
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: _____

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO

20 Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If You Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

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*Threatened and Endangered Species
Habitat Suitability Assessment and Wetland Report*

Proposed Friendly Honda
114 Route 17K
Town of Newburgh
Orange County, New York

February 24, 2013

Prepared by:

Michael Nowicki
Ecological Solutions, LLC
1248 Southford Road
Southbury, CT 06488
(203) 910-4716

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1.0 INTRODUCTION

Friendly Honda contracted with Ecological Solutions, LLC to complete a threatened and endangered species habitat assessment and wetland assessment/delineation on a 5.10 acres property (Tax Identification Number 95-1-53) located at 114 Route 17K in the Town of Newburgh, Orange County, New York (Figure 1). The property boundaries are framed on three sides by dozens of 60+ feet tall Norway spruce that are a barrier to the developed area including 3 remaining structures (pole barn, 2 sheds, and associated infrastructure including pavement). The main house by Route 17K was a single family residence that has since been demolished. Records indicate that these structures have been on the property since 1925. The remaining habitat component at the interior of the property is small overgrown meadow and has been manipulated by past agricultural activities associated with the old single family dwelling.

The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper indicates that there are potential State listed threatened/endangered species located at Stewart Airport. It is known that there are several species of threatened/endangered grassland bird associated with the airport. These species cannot utilize the habitat on the property. Also due to the disturbed nature and condition of the remaining habitat on the undeveloped portion of the property it is unlikely that any rare plants occur here. A review of the US Fish and Wildlife Service list of threatened and endangered species in Orange County (attached) indicates that there is potential for bog turtle (*Glyptemys muhlenbergi*), and Indiana bat (*Myotis sodalis*) to be located on the property since they occur in Orange County. Two other species are also on the list and include dwarf wedgemussel and small whorled pogonia. These species have no potential habitat on the property.

The purpose of the assessment was to determine if potential habitat exists for bog turtle and Indiana bat on the property. A field assessment was conducted on February 22 2013 and habitat on the property was observed and is listed in Table 1.0-1. Although not on the property there is a NYSDEC regulated Class "A" watercourse located adjacent to the properties western boundary.

**TABLE 1
 COVER TYPES IDENTIFIED ON THE PROPERTY**

<u>HABITAT COVER TYPES</u>	
NO.	
1	Old Field

1. Old Field – The majority of the land not previously impacted by structures is old field or meadow that has been fallow for several years. The old field/meadow is dominated principally by grasses and forbs (aster, goldenrod, multiflora rose) with minor areas of dense shrub-scrub thicket surrounded by a planted screen of Norway spruce around the property perimeter.

Figure 1
Location Map



2.0 HABITAT SUITABILITY ASSESSMENT/METHODS

The entire 5.10 acres property has been previously impacted and contains several remaining structures with associated infrastructure. A small federal regulated wetland area delineated in accordance with the US Army Corps of Engineers 1987 Wetland Delineation Manual and recent supplement exists at the northern property boundary. Wetland flags A1 to A7 were placed at the wetland-upland boundary.

Bog turtle - The potential for bog turtle habitat was reviewed. Bog turtle habitat is recognized by three criteria:

1. **Suitable hydrology.** Bog turtle wetlands are typically spring-fed with shallow surface water or saturated soils present year-round, although in summer the wet area(s) may be restricted to near spring head(s). Typically these wetlands are interspersed with dry and wet pockets. There is often subsurface flow. In addition, shallow rivulets (less than 4 inches deep) or pseudo-rivulets are often present.

2. **Suitable soils.** Usually a bottom substrate of permanently saturated organic or mineral soils. These are often soft, mucky-like soils (this does not refer to a technical soil type); you will usually sink to your ankles (3-5 inches) or deeper in muck, although in degraded wetlands or summers of dry years this may be limited to areas near spring heads or drainage ditches. In some portions of the species' range, the soft substrate consists of scattered pockets of peat instead of muck.

3. **Suitable vegetation.** Dominant vegetation of low grasses and sedges (in emergent wetlands), often with a scrub-shrub wetland component. Common emergent vegetation includes, but is not limited to: tussock sedge (*Carex stricta*), soft rush (*Juncus effusus*), rice cut grass (*Leersia oryzoides*), sensitive fern (*Onoclea sensibilis*), tearthumbs (*Polygonum spp.*), jewelweeds (*Impatiens spp.*), arrowheads (*Sagittaria spp.*), skunk cabbage (*Symplocarpus foetidus*), panic grasses (*Panicum spp.*), other sedges (*Carex spp.*), spike rushes (*Eleocharis spp.*), grass-of-Parnassus (*Parnassia glauca*), shrubby cinquefoil (*Dasiphora fruticosa*), sweet-flag (*Acorus calamus*), and in disturbed sites, reed canary grass (*Phalaris arundinacea*) or purple loosestrife (*Lythrum salicaria*). Common scrub-shrub species include alder (*Alnus spp.*), red maple (*Acer rubrum*), willow (*Salix spp.*), tamarack (*Larix laricina*), and in disturbed sites, multiflora rose (*Rosa multiflora*). Some forested wetland habitats are suitable given hydrology, soils and/or historic land use. These forested wetlands include red maple, tamarack, and cedar swamps.

Indiana bat - The property was also evaluated for potential Indiana bat roosting or maternal colony trees and foraging habitat. Outside the hibernation period, Indiana bats are very mobile and use both live and dead standing trees of any size with exfoliating bark, crevices, cracks, holes, dead wood, and southern or western exposure. This species tends to forage in and around wetlands or open water bodies and edge habitat or the area where two different habitat types meet.

Project Area/Property

The wetland area delineated on the property does not meet the established criteria to function as habitat for bog turtles because this wetland is only about 2,000 square feet in size and does not contain suitable hydrology or substrate material for the bog turtle. The existing wetland hydrology is derived from surface

sources including overland flow that drains to a watercourse adjacent to the property. The substrate or soil underlying the wetland is hard mineral soil and does not have the composition (muck) to support the vegetative structure associated with bog turtle habitat.

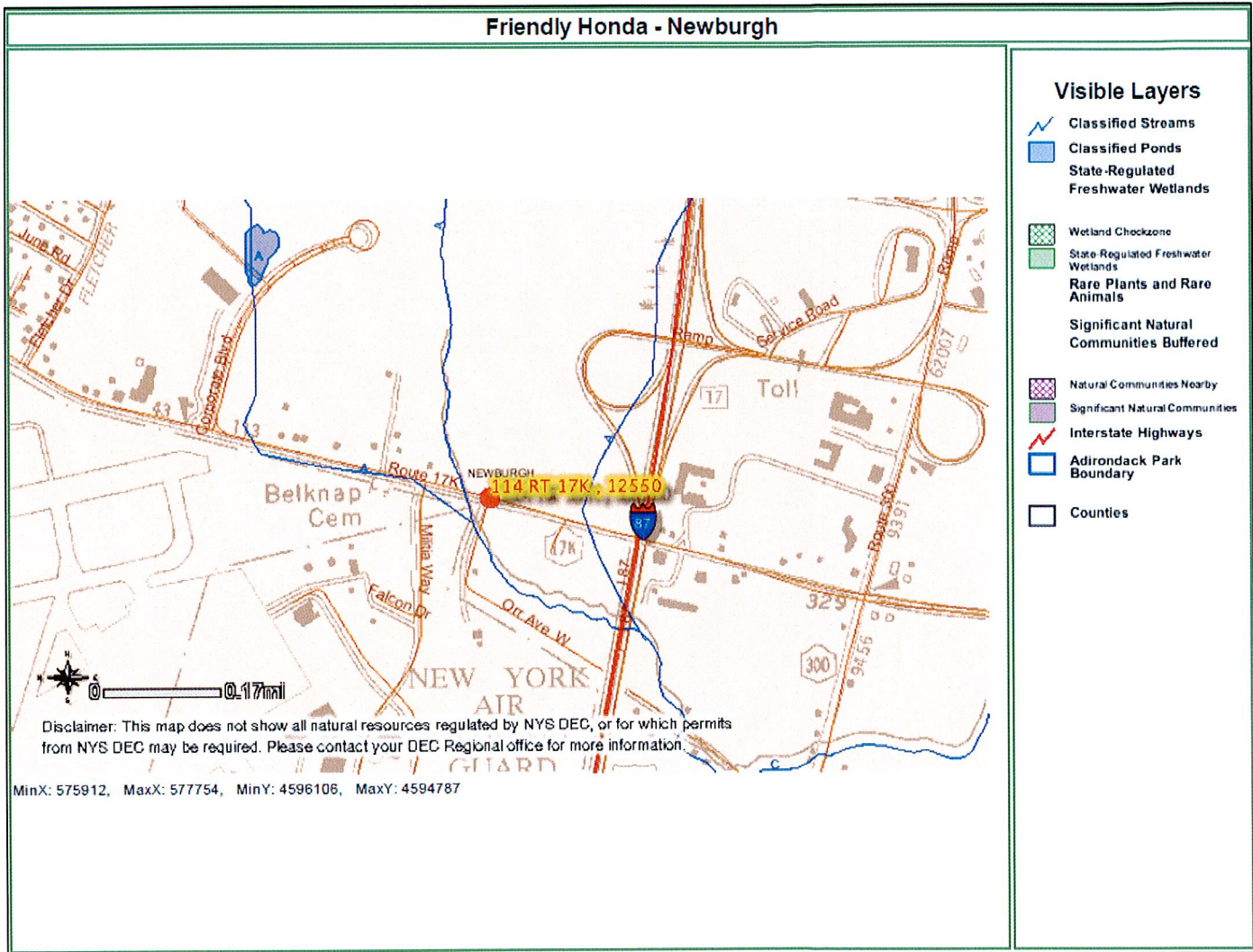
The lack of trees within the property indicates that the habitat component essential for Indiana bat roosting, maternal colony formation, and foraging does not exist on the property. The potential use of the property by Indiana bats is therefore unlikely. No trees meeting the minimum criteria to be potential roost or maternal colony trees were observed on the property.

Figure 2 Soil Map



Symbol	Map Unit Name
BnB	Bath-Nassau channery silt loams, 3 to 8 percent slopes
MdB	Mardin gravelly silt loam, 3 to 8 percent slopes

Figure 3
NYSDEC Environmental Resource Map



3.0 WETLANDS

Regulatory Review - Ecological Solutions, LLC completed a wetland evaluation and delineation on the property. The wetland boundaries were delineated by Ecological Solutions, LLC in accordance with the USACE wetland delineation manual. Nationwide Permit #39 authorization for commercial developments may be required from the USACE if there is wetland fill proposed. The wetland is only about 2,000 square feet in size on the property so that no mitigation of impacts will be required by the USACE. There is no New York State Department of Environmental Conservation (NYSDEC) regulated wetlands on the property.

Existing Wetland/Buffer – In general the wetland community is a small wet meadow occurs in a poorly drained depression on inorganic soil. The wetland consists mainly of red-osier dogwood (*Cornus stolonifera*) and purple loosestrife (*Lythrum salicaria*). There is no regulated buffer associated with the delineated wetland on the property.

4.0 CONCLUSION

The property is relatively small at about 5.10 acres and contains a large previously developed area which included a residence, pole barn, sheds, and associated infrastructure. The habitat component is small and has been manipulated as part of the property use for decades. This small habitat area is surrounded by a row of large Norway spruce that encircles the property on 3 sides.

There is no potential habitat for bog turtle, Indiana bat, dwarf wedgemussel, small whorled pogonia or any other State or federally listed species on the property. No mitigation measures are warranted for development activities on the property.

5.0 PHOTOGRAHS



Above: Area of demolished single family dwelling at property entrance
Below: Typical old field habitat on the property





Above: Area of old field and Norway maple screen
Below: Small wetland area on the property





Above: Area of old field and Norway maple screen
Below: Pole Barn on the property





U.S. Fish and Wildlife Service

Natural Resources of Concern

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

NEW YORK ECOLOGICAL SERVICES FIELD OFFICE
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Project Name:

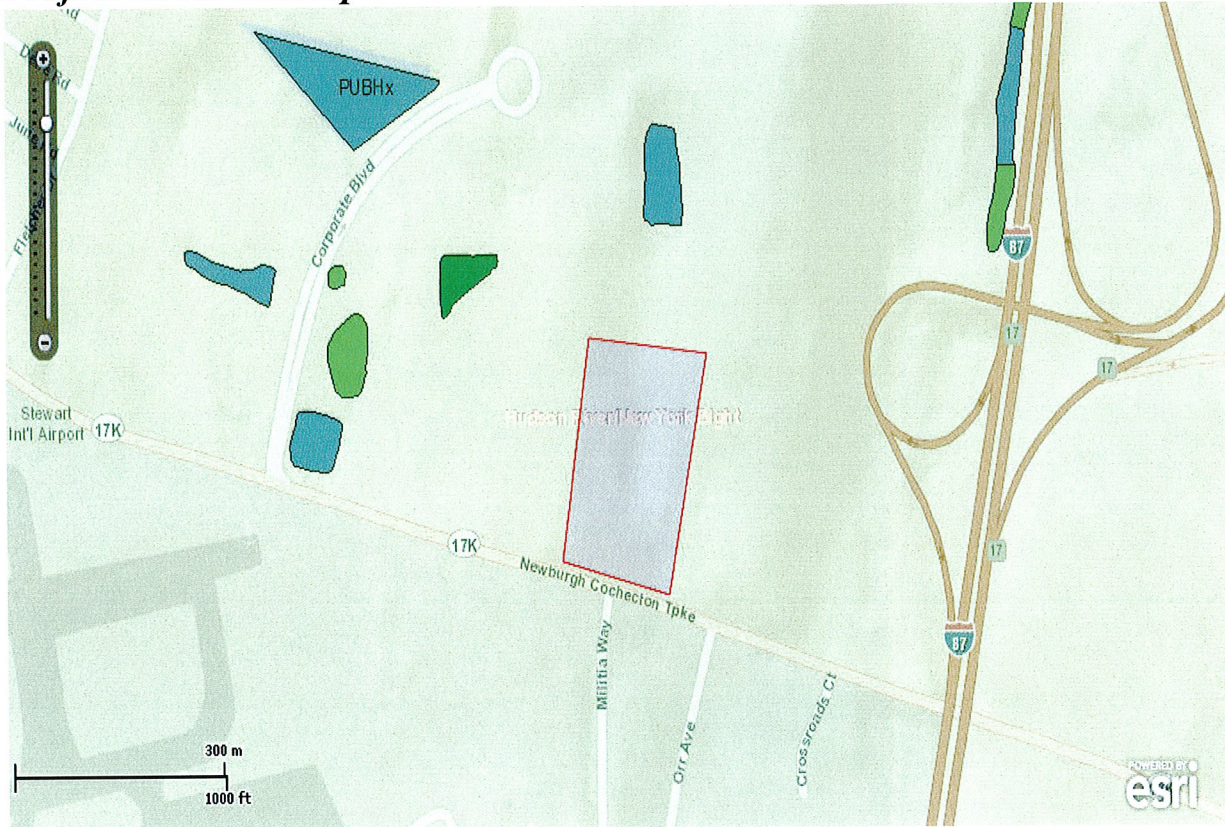
Friendly Honda - Newburgh



U.S. Fish and Wildlife Service

Natural Resources of Concern

Project Location Map:



Project Counties:

Orange, NY

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-74.0822402 41.5073968, -74.0817692 41.5096472, -74.0797522 41.5094865, -74.0804163 41.5070593, -74.0822402 41.5073968)))

Project Type:

Development



Natural Resources of Concern

Endangered Species Act Species List ([USFWS Endangered Species Program](#))

There are a total of 4 threatened, endangered, or candidate species, and/or designated critical habitat on your species list. Species on this list are the species that may be affected by your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Please contact the designated FWS office if you have questions.

Species that may be affected by your project:

Clams	Status	Species Profile	Contact
Dwarf wedgemussel (<i>Alasmidonta heterodon</i>) Population: Entire	Endangered	species info	New York Ecological Services Field Office
Flowering Plants			
Small Whorled pogonia (<i>Isotria medeoloides</i>)	Threatened	species info	New York Ecological Services Field Office
Mammals			
Indiana bat (<i>Myotis sodalis</i>) Population: Entire	Endangered	species info	New York Ecological Services Field Office
Reptiles			
bog turtle (<i>Clemmys (Glyptemys) muhlenbergii</i>) Population: northern	Threatened	species info	New York Ecological Services Field Office

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#))

There are no refuges found within the vicinity of your project.

FWS Migratory Birds ([USFWS Migratory Bird Program](#))

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the [Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional



U.S. Fish and Wildlife Service

Natural Resources of Concern

conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

NWI Wetlands ([USFWS National Wetlands Inventory](#)).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).



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