

Zoning Board Application

APPEAL # 2-2021-015

1	Application Date	8/27/2021
2	Applicant(s) Name	VREP Acquisitions, LLC
3	Address	1 Bloomfield Avenue, Mountain Lakes, New Jersey 07046
4	Phone Number	(973) 299-4000
5	Email Address	rfraser@visionrep.com
6	Property Owners Name	See below.
7	Property Address	350 Silver Lake-Scotchtown Road, Middletown, New York 10941
8	Phone Number	
9	Email Address	
10	Date owner acquired the property	See below.
11	Tax Map Location (Section-Block-Lot)	Parcel 1: Section 40, Block 1, Lot 16; Parcel 2: Section 40, Block 1, Lot 35; Parcel 3: Section 41, Block 1, Lot 45; Parcel 4: Section 50, Block 1, Lot 62
12	Street Address	350 Silver Lake-Scotchtown Road, Middletown, New York 10941
13	Zoning District (circle one)	RA / RA-1 / R1 / R2 / R-AH / RM-B / NC / TC / OR / HC / <u>ENT-L</u> ENT
14	Lot Size and Acreage	4,041,280 square feet; 92.775 Acres
15	Soil Type described in Town Code	Group IV, Group VII, and Group IX
16	Application fee	(Check or Cash) Amount-\$ <u>900.00</u>

Numbers 6 and 10

Parcel 1: Section 40, Block 1, Lot 16; Owner: Rombam Group LLC; Address: 13 Hayes Court, Unit 201, Monroe, NY 10950; Date Acquired Property: June 27, 2018

Parcel 2: Section 40, Block 1, Lot 35; Owner: Michael Jeremias and Meshuga Enterprises Inc.; Address: 1706 50th Street, Brooklyn, NY 11204; Date Acquired Property: July 28, 1989

Parcel 3: Section 41, Block 1, Lot 45; Owner: Brazelton Brazilian Assoc.; Address: 1706 50th Street, Brooklyn, NY 11204; Date Acquired Property: September 25, 1992

Parcel 4: Section 50, Block 1, Lot 62; Owner: Danann Equity Associates; Address: 1706 50th Street, Brooklyn, NY 11204; Date Acquired Property: June 12, 2008

- Michael Martens - 845-458-7351
(Attorney)

Appeal Request:

Any Appeal is made or requested by the applicant for the following:

- Interpretation of the Zoning Law
- Commercial Variance
- Use Variance
- Sign Variance
- Area Variance
- Residential (Decks, Shed, Pool, Addition, Accessory bldg. /structure) (New Structure)
- Accessory building larger than 28ft x 28ft

Other:

Front / Side / Rear / Yard setback from _____ to _____ Section _____

Front / Side / Rear / Yard setback from _____ to _____ Section _____

Front / Side / Rear / Yard setback from _____ to _____ Section _____

Front / Side / Rear / Yard setback from _____ to _____ Section _____

Lot area from _____ to _____ Section _____

State reason and purpose for Request:

See below** Height variance from 35' to 45'

Applicant must print and submit Environmental Assessment Form. This form must be filled out by going to the following link and following the steps given: www.dec.ny.gov/eafmapper

Has this proposal appeared before the Planning Board? YES NO

Property taxes up to date with the Town of Walkill? YES NO

Property owner must have their signature notarized on this application:

Owners Signature: Michael Jeremias

Notary Public: _____

Sworn to before me this date: 7/27/2021

Applicant same as owner

State of New York
County of Orange

Building Inspector signature: [Signature]

Date: 8/31/2021

SAMUEL JOSEPH
Notary Public, State of New York
No. 01JO6090741
Qualified in Orange County
Commission Expires 04/21/2023

**The Petitioner is requesting to construct four (4) warehouses on the subject parcels as set forth in the annexed Site Plan prepared by Lanc & Tully dated February 27, 2020, and revised as recently as June 23, 2021. The subject parcels site within a "Enterprise-Light District" or "ENT-L" district as defined in the Town of Walkill Code. Structures within ENT-L districts are permitted a maximum height of thirty-five (35) feet pursuant to Town of Walkill Code Section 249-90(1). However, modern warehouses are required a height of at least forty (40) feet to allow for current racking requirements. Accordingly, a commercial variance is kindly requested to permit each of the four (4) proposed warehouses to be constructed with a maximum height of forty-five (45) feet.

Sole owner of each parcel either individually or through an entity

APPLICANT DISCLOSURE FORM – ORANGE COUNTY, NY REVIEW UNDER SECTION 239-M OF GENERAL MUNICIPAL LAW

The following is information relative to the below named project which is presently pending before the _____ (City/Town/Village) of T/O Walkill (Planning/Zoning/City/Town/Village) Zoning Board.

Title of Project: Golden Triangle

Municipality: Town/Village/City of T/O Walkill

(underline one of above)

Nature of Owner or Owners (LLC, Corporation, Partnership, Joint Venture, natural person, professional corporation or other type of business entity or combination of the above):

LLC

The names of the Members, Officers, Shareholders, Directors, Beneficial Owners owning at least five percent of the Stock or Membership or Partnership Interest or Beneficial interest in the project are:

~~Sam Morrecalle and Ross Chomik~~ Michael Jeremias

Sole owner of each parcel either individually or through an entity

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
Address:		E-Mail:		
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres		
b. Total acreage to be physically disturbed?		_____ acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		

RESOLUTION ADOPTING NEGATIVE DECLARATION

Applicant	VREP Acquisitions	Site Tax Lots 40-1-16, 40-1-35, 41-1-45 and 50-1-62
Industrial Project	<p>The Proposed Project includes construction of 850,069 square feet of warehouse and light industrial space in four buildings with associated site improvements, which include parking, loading docks and stormwater management facilities, access roads from Silver Lake Scotchtown Road, and offsite traffic improvements, which are referenced below. Each building will be connected to public water and sewer services provided by the Town of Wallkill.</p> <p>The Project Site consists of 92.7 acres located northwest of the intersection of NYS Route 17/I-86 and NYS Route 211 and south of Silver Lake Scotchtown Road in the Town’s ENT-L Zoning District.</p> <p>In the ENT-L Zoning District, warehouse and light industrial uses are permitted via the issuance of a special use permit and site plan approval from the Town of Wallkill Planning Board.</p>	
Approvals Sought	Site Plan and Special Permit	

WHEREAS, an application (“Application”) was made to the Town of Wallkill Planning Board by the above-named Applicant seeking an Approval for the above-referenced Industrial Project from the Planning Board on the above-referenced Site; and

WHEREAS, the Planning Board previously determined, as provided for in 6 NYCRR Part 617.4, that the proposed action was a Type I action for the purposes of review under the State Environmental Quality Review Act (hereinafter “SEQRA”) and, therefore, required coordinated review; and

WHEREAS, a Notice of Intent that the Planning Board be Lead Agency for purpose of SEQRA review of the Industrial Project was duly circulated on June 18, 2020, to all involved and interested agencies designated thereon; and

WHEREAS, none of the agencies that were designated as involved and/or interested agencies in said Notice of Intent objected or responded within the required thirty (30) day period after mailing of said Notice of Intent to challenge the Planning Board’s intent to be Lead Agency for the purpose of SEQRA review of the proposed Industrial Project; and

WHEREAS, given the absence of any challenge thereto and for other good and sufficient reasons, on **January 21, 2021**, the Planning Board duly passed a motion on for it to serve as the Lead Agency for the purpose of SEQRA review of this Type I Action; and

WHEREAS, the Planning Board conducted an Environmental Review of the Industrial Project, which included Environmental Assessment Review under SEQRA; and

WHEREAS, the Planning Board previously conducted an environmental review under SEQRA, which included the preparation and adoption of an Environmental Impact Statement, relative to the development of the Site into a large-scale project consisting of residential housing units, retail stores and shopping plazas; however, the project that was the subject of that Environmental Impact Statement was not built on the Site; and

WHEREAS, a number of elements addressed and analyzed in the aforementioned Environmental Impact Statement were relevant to the environmental review of the above described Industrial Project that is before the Planning Board at this time; and

WHEREAS, in connection with the Industrial Project before the Planning Board at this time, the Applicant prepared and submitted various materials to the Planning Board, including a site plan set consisting of 24 sheets including a grading plan and erosion and sediment control plans, a lighting plan, landscaping plan, a utility plan, a detailed traffic study and analysis mitigation measures relative thereto, proposed architectural designs and an Environmental Assessment Form (“EAF”) Parts 1, 2 and 3, which materials were reviewed by the Planning Board and its consultants; and

WHEREAS, pursuant to the Regulations (6 NYCRR Part 617), the Planning Board considered the significance of the potential environmental impacts that may be reasonably expected to result from the proposed Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the EAF Part 1 for the Project, including the facts and conclusions in the proposed Parts 2 and 3 of the EAF, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) the Planning Board thoroughly analyzing the areas of relevant environmental concern; and

WHEREAS, in connection with its environmental review under SEQRA, the Planning Board considered both the magnitude and importance of potential impacts; and

WHEREAS, the Planning Board identified certain impacts, based on 6 NYCRR Part 617.7 (c) and its past experience, that were likely to have a moderate to large impact as a result of the

proposed action, and which impacts are identified in Part 2 of the EAF and discussed in Part 3; and

WHEREAS, each instance where a potentially moderate to large impact was identified in Part 2 of the EAF during the course of the SEQRA review, the Planning Board reasoned, based on the advice and counsel of its consultant, that such impacts could be appropriately mitigated by incorporating into the Project those measures identified in Part 3 of the EAF, which mitigation measures shall be a condition of the issuance of any approvals or permits by the Planning Board for the Project; and

WHEREAS, relative to the traffic impacts that were identified during the review process, a number of off-site improvements were considered and analyzed, and those improvements that are considered reasonable and necessary to, at the very least, maintain the current level of service on the roadways / highways in the relevant area, are being incorporated into the within Negative Declaration; and

WHEREAS, the off-site traffic improvements (the “Traffic Improvements”) are depicted on certain Drawing Sheets 1 through 11, prepared by Colliers Engineering & Design (formerly Maser Consulting), last revised June 3, 2021, and are generally described as follows:

1. The construction of the access connections to Silver Lake/Scotchtown Road will include the provision of a separate left turn lane on Silver Lake/Scotchtown Road. (Sheet 1)¹;
2. A Traffic Signal Warrant analysis indicates that a signal is not warranted at the primary (eastern) site access at this time. This intersection is proposed to be monitored in the future to determine if signal warrants are satisfied. If they are satisfied, then a signal would be installed by the Applicant. The traffic signal will be designed as part of the Site Plan package so that it is ready for installation if the warrants are satisfied. Unless otherwise determined by the Town Board of the Town of Wallkill, the intersection will be monitored within six months of substantial occupancy (meaning at least 80%) of the buildings occupied on the site² and, if warranted, the signal will be installed. Necessary funds for the installation will be bonded by the Applicant;

¹ Each reference to a “Sheet” shall refer to the above-referenced of the Drawing Sheets.

² In this regard, the eighty (80%) percent computation shall refer to the gross leasable square footage of all buildings that are shown on the approved site plan.

3. At the intersection of Tower Drive and Silver Lake/Scotchtown Road the existing traffic signal will be updated and the separate right turn lane from Silver Lake/Scotchtown Road onto Tower Drive will be extended and modified, including the provision of an improved reconstructed curb radius to accommodate truck turning movements (a portion of this will have to be mountable curb to allow access to the Town property that is accessed from this corner). The sidewalk will also have to be reconstructed. Modifications to this intersection will also require the extension of the length of the northbound Tower Drive two-lane approach to provide additional vehicle stacking. The upgraded traffic signal will include a separate signal arrow indication to provide an overlap to allow simultaneous operation of the Silver Lake/Scotchtown Road right turn movement and the Tower Drive left turn movement. The traffic signal will also be upgraded with new actuation and other upgrades, including pedestrian accommodation signals. The timing of the traffic signal will be coordinated with the Town. (Sheet 2);

4. At the intersection of NYS Route 211 and the Route 17 EB On Ramp, the improvement to develop a dual left turn lane on NYS Route 211 westbound turning onto the Route 17 EB Ramp will be implemented. This will include ramp widening, reconstruction of a portion of the raised median, and a traffic signal upgrade including adaptive traffic signal control and software. The widening improvements will eliminate the existing lane drop that occurs at the Orange Plaza Driveway and create an improved flow along this section of roadway. Note that at this location (Signal O-173), other applications, together with NYSDOT, have previously committed to adaptive signal upgrades. If these signal improvements are not completed at the time of the occupancy³ of Golden Triangle, the Golden Triangle Development will install the adaptive signal system. (Sheet 3)

5. At the intersection of NYS Route 211 and the Route 17 WB On/Off Ramp, the existing westbound left turn/ stacking lane on NYS Route 211 will be extended in the existing median and this median will be reconstructed to maximize the storage length. Adaptive signal upgrades including software will be installed as per NYSDOT requirements (Signal O-90). (Sheet 4);

³ In this regard, "occupancy" shall mean when the Applicant's project is ready for the issuance of the first certificate / temporary certificate of occupancy.

6. Unless otherwise determined by the Town Board of the Town of Wallkill, the applicant will monitor the intersection of Bert Crawford Road and Silver Lake-Scotchtown Road for potential signalization within six months of substantial occupancy (meaning at least 80%) of the buildings occupied on the site to determine if signalization will be necessary. Appropriate bonding will be provided by the Applicant to ensure installation if warranted. (Sheet 5);

7. At the intersection of Silver Lake-Scotchtown Road and Mud Mills Road, the southbound right turn lane on Silver Lake-Scotchtown Road will be extended to provide additional stacking capacity. The Mud Mills Road approach will also be widened to provide additional left turn storage and to accommodate truck turns to and from Silver Lake/Scotchtown Road. Subject to right-of-way availability, the right turn radius onto Mud Mills Road would also be improved to accommodate turning vehicles. Lastly, the existing signal will be updated to include new actuation and signal timings adjusted to be more reflective of current traffic demands and to improve the efficiency of the operation. (Sheet 6); as to the widening at Silver Lake-Scotchtown Road and Mud Mills Road, consideration the design will allows trucks / tractor-trailers traveling in both directs to complete the turn at the same time – while passing one another, so these turning movements can be completed within the traveled lanes and without traveling on or over the curbs;

8. At the intersection of NYS Route 211 and Tower Drive, the provision of a dual left turn from NYS Route 211 onto Tower Drive improvements will be required to address existing capacity constraints. These improvements will involve widening on the north side of NYS Route 211 to accommodate the additional lane for the dual left turn lane onto Tower Drive. Although the Applicant is not responsible for the construction of the right turn lane on North Galleria Drive, the Applicant will prepare an alternate plan as part of their design package so that, if the Town decides to proceed with such an improvement in the future, the design will be completed and can be accommodated by the other improvements at the NYS Route 211 / Tower Drive / North Galleria Drive intersection. Also, the Applicant will, at the Applicant's expense, replace the traffic signal (Signal O-174) with a fully actuated adaptive signal control as per NYSDOT requirements. (Sheets 7 & 7A);

9. At the intersection of Tower Drive and Industrial Drive, the existing signal will be updated to include new actuation and signal timing improvements. These signals will also be interconnected with the traffic signal at the Hannaford Driveway. The signal timings for these locations will be coordinated to also function with the NYS Route 211/Tower Drive traffic signal. (Sheet 7A);

10. At the intersection of Mud Mills Road and Maples Road, the Applicant and Planning Board will agree upon a design that provides for the widening of this intersection in such a manner that allows trucks / tractor-trailers traveling in both directions to complete the turn at the same time – while passing one another, so these turning movements can be completed within the traveled lanes and without traveling on or over the curbs.

11. The following intersections will include certain pavement and/or striping improvements:

- a. Mud Mills Road and Maples Road will include additional pavement repairs and restriping as per conceptual drawing (Sheet 8),
- b. Maples Road and Route 17M will include pavement and shoulder repairs. (Sheet 9),
- c. At the intersection of Route 17M and Route 302, striping modifications, some pavement widening, and signal modifications will also be implemented to improve operations and to better accommodate turning vehicles. (Sheet 10); and

12. The Project Site has been designed to accommodate a future connection of Route 17 to NYS Route 211 and an easement/land dedication is to be provided to the Town of Wallkill to allow for this potential future construction, which offer of dedication shall not impinge on or affect the ability to develop the balance of the site as shown on the site plan. (Sheet 11).

WHEREAS, that such Traffic Improvements may be further refined and/or revised at the discretion of the Planning Board in the event there is a reasonable need to do so. The improvements to the traffic signals that are referenced above are addressed in more detail in that certain Traffic Impact Study dated March 25, 2021 and prepared by Maser Consulting (n/k/a Colliers Engineering & Design), which was updated April 26, 2021 by prepared by Philip Grealy, Ph.D, PE of Colliers Engineering & Design. The Applicant is responsible for the cost to complete

all of the traffic improvements referenced herein, As to those instances where additional monitoring, evaluation and/or assessment are called for in items 2 and 6 noted above, the Applicant shall be responsible for the cost of the same, and the Applicant shall also be responsible for the cost to construct and/or implement any such traffic mitigation measure that is shown to be necessary or desirable by reason of such on-going monitoring, evaluation and/or assessment for items 2 and 6 as noted above.

WHEREAS, the traffic improvements have been designed to occur within existing rights-of-way, and if it is determined by the Planning Board that there is insufficient right-of-way available to construct a particular Traffic Improvement in a manner that provides intended level of service the traffic study desired to be achieved at that location, then the Planning Board shall allow the Applicant to build an alternative design and/or make other traffic improvements, at the Applicant's sole cost, to achieve the desired level of traffic flow and service in the relevant area; and

WHEREAS, the Applicant offered, as a condition of the approval of the Industrial Project, to fund the cost of each such off-site improvement, including each of above-referenced Traffic Improvements, if funding was not provided, in whole or in part, from another source; and

WHEREAS, the applicant's EAF Part 1 identifies the Project Site as having potential to provide habitat for Indiana Bats, which is endangered in New York State; in order to avoid any potential impact to sensitive habitat, the Applicant will limit all mature tree clearing to between November 1st and March 31st, and it will take such other measures as are reasonable and necessary to avoid impact to sensitive habitat; and

WHEREAS, the Project Site is located within the Town of Wallkill utility districts and the proposed project will be served by Town municipal utilities; the Applicant will, at its expense, undertake all work necessary to extend water and sewer mains to the Project Site and will coordinate with the Town Department of Public Works for any necessary permits; and

WHEREAS, the Planning Board addressed all SEQRA issues as identified in conducting the environmental review and in so doing on July 7, 2021, determined that the Project will not have a significant adverse environmental impact, and will not require the preparation of a Draft Environmental Impact Statement with respect to the Project, and the Planning Board is hereby making a determination of non-significance under SEQRA ("Negative Declaration"), a copy of which is annexed to this Resolution and made a part hereof;

NOW, THEREFORE, on a motion by **J Keegan**, seconded by **D Dulgarian**, and carried by a vote of **6 Ayes, 0 Nays**, that the Town of Wallkill Planning Board hereby:

- A. Adopts the EAF Parts 2 & 3, as submitted and revised,
- B. Determines that this Project will not result in any significant adverse impacts on the environment, as proposed together with those certain mitigation measures identified in Part 3 of the EAF, and, therefore,
- C. An environmental impact statement need not be prepared, and, therefore, a negative declaration is hereby issued,

and be it further:

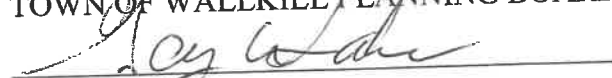
RESOLVED, that pursuant to 6 NYCRR Part 617 et seq. of the Regulations of Article 8 of the Environmental Conservation Law of New York State, the Planning Board adopted and issued on July 7, 2021, the attached Negative Declaration under SEQRA for the Project upon the vote thereupon and the signature of the Chairman herewith; and, be it further

RESOLVED, that the mitigation measures and/or site improvements referenced above be and the same are to be made conditions of any Special Use Permit and Site Plan Approval issued by the Planning Board for the Industrial Project shown on the Site Plan for the Site, and, be it further

RESOLVED, that Clerk of the Planning Board shall file this Resolution and accompanying Negative Declaration with the Involved and Interested Agencies as enumerated in the Negative Declaration and publish the Resolution and Negative Declaration in the Environmental Notice Bulletin.

Dated: **July 7, 2021**

TOWN OF WALLKILL PLANNING BOARD



Hon. Gary Lake, Chairman

The original of this Resolution was filed with the Town Clerk on **August 30, 2021**
Notice of the Negative Declaration was submitted to the ENB on **August 30, 2021**
A copy of this Resolution was mailed to the applicant on **August 30, 2021**