

## State Environmental Quality Review Act (SEQRA)

### Findings Statement

Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Village of Suffern Planning Board the “Planning Board” as the Lead Agency makes the following findings.

**Proposed Action:** Rockland Logistics Center

**Project Sponsor:** IV2 Rockland Logistics Center LLC  
Brookfield Properties  
Brookfield Place New York  
1 Meadowland Plaza, Suite 301  
East Rutherford, NJ 07073

**Agency Jurisdiction:** The Village of Suffern Planning Board is acting as Lead Agency under SEQRA for the Proposed Action. The Planning Board is an involved agency because the Project requires site plan approval from the Planning Board and a special use permit for construction within the Suffern Flood Plain zoning district.

**SEQR Classification:** Type I

**Date Final FEIS Filed:** November 30, 2023

**Findings Adopted:** December 13, 2023

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## **1.0 INTRODUCTION**

This Findings Statement has been prepared in accordance with the requirements of 6 NYCRR 617.11. It considers the relevant environmental impacts, facts, and conclusions disclosed in the Draft Environmental Impact Statement (“DEIS”) and Final Environmental Impact Statement (“FEIS”) for the Proposed Action (collectively referred to as “EIS”); weighs and balances relevant environmental impacts with social, economic, and other considerations; and provides a rationale for the Planning Board’s decision and sets forth the certifications required by the regulations implementing SEQRA. The Findings Statement is a summary of the EIS documents and incorporates all impact and mitigation measures set forth in the EIS documents by reference, whether or not recited herein.

## **2.0 PROJECT DESCRIPTION**

IV2 Rockland Logistics Center LLC (hereinafter referred to as the “Owner” and “Applicant”), is proposing the development of a warehousing and logistics complex (the “Project” or “Proposed

Action”) on the former site of the Novartis Office & Manufacturing Facility. The “Project Site” or “Subject Property” is located in the Village of Suffern and the Village of Montebello, two incorporated villages in the Town of Ramapo, Rockland County, New York. The Project Site is bound to the north by Route 287 – New York State Thruway (the “Thruway”); to the west by the former Suffern Quarry; to the south by railroad tracks associated with the Norfolk Southern railroad right-of-way – south of the rail right-of-way are several multifamily apartment buildings, the Suffern Free Library, Tagaste Monastery; and to the east by Hemion Road. The tax parcels which constitute the Project Site are identified on the Town of Ramapo Tax maps as Section 55.22, Block 1, Lot 1 and Section 55.37, Block 1, Lot 31 in the Village of Suffern and Section 55.06, Block 1, Lot 1 in the Village of Montebello. The corresponding addresses and acreages are provided in

**Table 1.**

Table 1. Project Site

Tax Map S-B-L	Address	Village	Size (acres)
55.22-1-1	25 Old Mill Rd	Suffern	124.93
55.37-1-31	Route 59	Suffern	0.65
55.06-1-1	19 Hemion Rd	Montebello	36.58
	Old Mill Rd	Suffern & Montebello	4.75
Total Site Acreage			166.91

The proposed project includes construction of three (3) Class “A” warehouse/wholesale distribution facilities<sup>1</sup> (the “Proposed Project”) on the former Novartis site. The facilities would include 1,221,800 square feet (SF) of new warehouse space within three buildings with associated loading bays, trailer storage spaces and other site improvements including, but not limited to, lighting, landscaping, utilities and stormwater management facilities. The Project Site is located within the PLI – Planned Light Industrial Zoning District wherein warehousing uses are allowed as permitted uses as per Chapter 266, Zoning, of the Village of Suffern Code (“Zoning Chapter”). The Montebello portion of the Project Site is located in the PI-C – Planned Industry-Campus Zoning

<sup>1</sup> “Class A” warehouses are state-of-the-art properties built specifically for warehousing and logistics.



District of the Village of Montebello. No buildings are proposed for the Montebello portion of the Project Site - the Project relies on the Montebello parcels for access to Hemion Road. The Applicant also acquired lands that were formerly part of the New York State Thruway right-of-way over which Old Mill Road travels. The parcel does not appear to have received a tax parcel number at this time.

The three warehouse buildings are as follows:

Table 2. Proposed Warehouse Buildings

	Size (SF)	Height	Loading Bays	Trailer Stalls	Parking Stalls
Warehouse Building 1	963,100	50' 7"	158	210	479
Warehouse Building 2	170,500	39' 2"	25	28	119
Warehouse Building 3	88,200	41' 6"	11	0	63
Total	1,221,800		194	238	661

Access to the Project Site is currently provided via a full movement driveway at the southern end of the site which intersects with Hemion Road (CR 93) and a full movement driveway which connects to Old Mill Road, which then connects to Hemion Road (CR 93). The existing access along Hemion Road (CR 93) will remain; two driveways will connect to Old Mill Road. An internal road system would connect the site access points to the three warehouses. Parking stalls, loading bays and trailer stalls would be accessible to the individual buildings they serve.

## 2.1 Proposed Warehouse Buildings

The warehouse buildings are shown on **Figure 1**. Building 1 would be 963,100 sf (including 21,000 SF of office space) and is the largest building, and would be oriented north-south with loading bays along the western and eastern building facades. Warehouse Building 2 would be 170,500 sf (including 3,200 SF of office space) and would be oriented at an angle to Warehouse Building 1 to its southwest, with loading bays provided along the west side of the building – it abuts the railroad right-of-way. Warehouse Building 3 would be 88,200 sf (including 3,200 SF of office space) and would be located just south of and parallel to Warehouse Building 1, with loading bays



provided along the west side of the building – it also is just to the north of the railroad right-of-way.

Interior roadways between 35 and 40 feet in width would connect the three buildings. The buildings would be constructed with simple rectangular massing, and building materials would be consistent with standard industrial materials in the area, including glass, concrete, and metal and would be as per the building elevations provided with the DEIS. The buildings would be generally gray and white with blue accents.

All mechanicals will be located on the roof. This would include no more than four natural gas heaters for the largest building and one gas heater for each of the smaller buildings. In addition, there would be one office pod within each building and each office pod would require one rooftop HVAC unit to heat and cool the office space. The warehouse space is not cooled, only heated. Louvers will be placed around the mechanicals to dampen noise levels.

## **2.2 Project Access and Parking**

Access to the Project Site would be provided via a full movement driveway at the south end of the Project Site along Hemion Road and two full movement driveways at the north end of the site along Old Mill Road. The Proposed Project parking lots would be serviced by parking aisles with a width of 24 feet, in compliance with the Village of Suffern Zoning Chapter minimum requirements. These aisles would allow for two-way circulation and perpendicular degree parking. Circulation between the driveway and buildings would be serviced by aisles with a width of 36 feet. Truck loading areas, which are separated from the parking lots, would be serviced by aisles with a width of 70 feet. The Proposed Project has been designed such that the Project Site can accommodate a large wheel base vehicle, such as a single unit truck (SU), or a tractor with a 53-foot trailer, along with the automobile traffic anticipated.

The Proposed Project would exceed the parking requirements as set forth in the Zoning Chapter parking standards (Article VII). The Zoning Chapter requires 3.3 parking spaces per 1,000 square feet of sales and office area and 1 parking space per 3 employees on the largest shift for warehouse uses. The parking requirement for Building 1 would be 178 spaces, with 21,000 SF of office space and 324 employees on the maximum shift – 479 spaces are provided. Building 2 would require 30 spaces, based on 3,200 SF of office space and 56 employees on the maximum shift – 119 spaces are provided. And Building 3 would require 22 spaces, with 3,200 SF of office space and 33 employees on the maximum shift – 63 are proposed. The parking standards require 230 parking spaces - 661 parking spaces have been provided.

The parking standards also require one parking space for each commercial vehicle to be stored on the Project Site. The Project provides a total of 238 trailer parking spaces for all three warehouses. Warehouse 3 would have no trailer stalls or tractor parking except within the loading bays.

Passenger vehicle parking stalls will be 9 feet by 18 feet, and tractor trailer stalls measure 13 feet by 55 feet.

The parking standards require one (1) loading space for the first 1,500 SF and 1 loading space for each additional 10,000 SF of floor area for warehouse uses. This equates to a minimum loading requirement of 95 loading spaces for Building 1 with 963,100 SF of warehouse floor area, 17 loading spaces for Building 2 with 170,500 SF of warehouse floor area, and 9 loading spaces for Building 3 with 88,200 SF of warehouse floor area. This equates to a total loading space requirement of 120 loading spaces for the Project. The Project proposes a total of 194 loading spaces, measuring 14 feet by 60 feet in keeping with general standards for loading space size.

Pedestrian sidewalks have been provided immediately adjoining each warehouse building. Vehicle parking spaces have been separated from tractor trailer parking and loading areas. The Proposed Action would also incorporate features to increase site safety including on-site directional signage,

and outdoor lighting. Internal circulation does commingle tractor trailers and employee vehicles.

### **2.3 Project Phasing**

The Project would be developed in one phase. By month 22, construction of Building 2 and Building 3 would be complete along with all site work and final landscaping. During months 22 through 26 when interior fit out and finishing is nearing completion on Building 1, it is expected that Buildings 2 and 3 would be operational while Building 1 interior construction is underway.

### **2.4 Ownership/Tenants**

The buildings and land will continue to be owned by the Applicant. The Applicant would lease the site to either a single tenant or multiple tenants. The project is a speculative build and specific tenants have not been identified at this time.

The types of materials and goods that would be stored in the warehouses would vary with the individual tenant, but stored materials will be limited to dry goods (non-refrigerated) and no hazardous materials will be stored onsite. Storage would be indoors only and no goods or materials are permitted to be stored outdoors. Refrigeration is not proposed and was not evaluated during the SEQR process.

## **3.0 PUBLIC PURPOSE, NEED AND BENEFITS**

The EIS represents that the former Novartis manufacturing facility was once Suffern's largest taxpayer accounting for ten percent of Suffern's tax rolls and the 162-acre facility once employed 525 people – it has been vacant since 2016. The Applicant proposes reuse of the site consistent with the existing PLI – Planned Light Industrial zoning regulations wherein warehouses are allowed as permitted uses as per the Zoning Chapter. The Proposed Action will reintroduce jobs and generate revenue through a proposed Payment in Lieu of Taxes (PILOT) arrangement. The estimates below depend entirely on construction and occupancy of the three buildings. The tax



revenues below assume all three warehouses would be operational at the end of 2-3 years, representing a "best case" estimate.

The Project will result in tax benefits and project employment including:

- › In year one, the Applicant has estimated that the Proposed Project will pay \$1,551,049 in property taxes based on the current taxes. Projected property taxes include both the Suffern and Montebello portions of the site.
- › In year two to three, the PILOT payment would increase to \$1,922,331 based on the improved property valuation post-construction. The actual amount depends on the timing of completion of Building 1.
- › In years three through ten the PILOT payment is calculated based on a two percent increase to the estimated full property taxes that would have been paid without a PILOT agreement.
- › Following the ten-year PILOT period with the phased tax increases in years three through ten, standard real estate tax rates would apply. PILOT payments over the ten-year period would exceed \$30.2 million.
- › The annual revenues to the Village would exceed \$1.64 million after the PILOT period, which would off-set any costs incurred by the Village to serve the Project.
- › Rockland County would receive approximately \$509,541 and the Town of Ramapo will receive approximately \$284,375 annually after the PILOT period.
- › The Project would not generate any residents or school-age children, thus would not burden the Suffern Central School District with additional students or costs. The School District would receive over \$3.85 million annually after the PILOT period and significant revenues during the PILOT period.
- › Estimated property taxes the first year after the term of the PILOT (year 11), not including the special district charges, would be approximately \$6.29 million.

In addition to the economic benefits realized from an increase in local property taxes, there would be a number of additional direct and indirect economic benefits associated with the Proposed Action.

- › In the short-term, the Applicant estimates that an annual average of approximately 643 jobs would be supported by construction over a two-year period. This includes

approximately 384 direct jobs, approximately 90 indirect jobs, and approximately 169 induced jobs.

- › The Applicant estimates that the annual direct construction expenditures would result in annual labor income of approximately \$49.8 million, with an average employee compensation (wages and benefits) of approximately \$77,575. Annual economic output is anticipated to be approximately \$112.3 million to the region during the construction period.

Once the Project is operational, it is anticipated that 450 new direct jobs plus an additional approximate 103 indirect and approximate 141 induced jobs would be generated, which would support local and regional businesses, workers, and residents. Annual labor income is estimated to be approximately \$41.6 million, with an average employee compensation of approximately \$59,866. Annual economic output for operations is estimated to be approximately \$98.4 million. It is expected that a significant portion of the projected economic output would be captured locally resulting in a substantial beneficial impact on the retail and business community in the Village of Suffern. The Project would also result in costs to service the project, but these costs are estimated to be less than revenues.

#### **4.0 SEQRA REVIEW PROCEDURE**

The Suffern Planning Board is the Lead Agency for the Project. As Lead Agency, the Planning Board determined that the proposed project is a Type 1 Action pursuant to SEQRA, and the regulations implementing the provisions of 6 NYCRR Part 617. As Lead Agency, the Planning Board determined that the proposed project may have a significant adverse impact on the environment and issued a Positive Declaration on June 22, 2022. A Draft Environmental Impact Statement ("DEIS") was prepared which described the Project, identified site and area resources, discussed potential environmental impacts of the Project, presented measures to mitigate potential adverse impacts, and examined alternatives to the Project. A Final Environmental Impact Statement ("FEIS") addressed comments raised by the public and involved agencies. It also addressed any new information or studies that were prepared subsequent to the DEIS. This Findings Statement summarizes these documents.

The chronology of the SEQRA review is summarized below:

February 23, 2022: The Applicant, submitted a Full Environmental Assessment From (Part 1) and preliminary site plan to the Village of Suffern Planning Board.

April 5, 2022: The Suffern Planning Board declared its intent to serve as Lead Agency for the SEQRA review of the Proposed Action. The Lead Agency Notice of Intent was circulated to all Involved and Interested Agencies in accordance with 6 NYCRR 617.6, and no objections to that designation were received.

June 22, 2022: The Suffern Planning Board confirmed its Lead Agency designation and having reviewed the potential significant adverse environmental impacts of the Project, determined that the Project is a Type 1 Action pursuant to SEQRA and adopted a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement ("DEIS").

July 14, 2022: The Lead Agency held a formal scoping session on the draft Scoping Document. The Scoping Document identified each relevant topic to be studied in the DEIS. The draft Scoping Document became the final Scoping Document after 60 days lapsed.

September 2022: The Applicant submitted a draft DEIS, prepared in accordance with the final Scoping Document, which was the subject of a completeness review by Village staff and consultants. The completeness review resulted in comments requiring revisions to the draft of the DEIS. Several drafts of the DEIS were submitted for review.

March 29, 2023: The Planning Board accepted the Draft Environmental Impact Statement as complete and scheduled a public hearing for April 26, 2023. The DEIS was circulated to all Involved and Interested Agencies and publication of notice of its acceptance by the Planning Board was duly published in the Environmental Notice Bulletin ("ENB").



April 26, 2023: The public hearing on the DEIS was held on April 26, 2023, at which time all those wishing to comment on the Project were afforded an opportunity to be heard. The Planning Board closed the public hearing on April 26, 2023, and written comments were accepted until May 8, 2023.

August 4, 2023: The Applicant submitted a draft FEIS, which responded to all comments received during the public hearing, as well as all written comments. This document was the subject of a completeness review by the Planning Board, Village staff and consultants. The completeness review resulted in comments requiring revisions to the FEIS. The Applicant subsequently revised and resubmitted the FEIS.

November 29, 2023: The Planning Board accepted the FEIS as complete and established a 10-day written comment period. The FEIS was circulated to all Involved and Interested Agencies and publication of notice of its acceptance by the Suffern Planning Board was duly published in the ENB.

## **5.0 REQUIRED PERMITS & APPROVALS**

The required permits and approvals for the Proposed Action are set forth in **Table 3**.

Table 3. Project Reviews and Approvals

Involved Agency	Approval/Review
<b>Villages of Suffern and Montebello</b>	
Village of Suffern Planning Board	<ul style="list-style-type: none"> <li>▪ SEQRA review and adoption of Findings</li> <li>▪ Site Plan Approval</li> <li>▪ Floodplain Overlay District Special Permit</li> </ul>
Suffern Board of Trustees	<ul style="list-style-type: none"> <li>▪ Stormwater Maintenance Agreement and Bonding</li> </ul>
Suffern Zoning Board of Appeals	<ul style="list-style-type: none"> <li>▪ Variance Approval</li> </ul>
Suffern Department of Public Works	<ul style="list-style-type: none"> <li>▪ Sanitary and Water Supply Approval</li> </ul>
Suffern Stormwater Management Officer	<ul style="list-style-type: none"> <li>▪ Waiver for disturbance exceeding 5 acres</li> </ul>
Village of Montebello Planning Board	<ul style="list-style-type: none"> <li>▪ Site Improvements</li> </ul>
<b>Rockland County</b>	
Drainage Agency	<ul style="list-style-type: none"> <li>▪ Stream Control Act Permit</li> </ul>
Department of Highway	<ul style="list-style-type: none"> <li>▪ Highway Work Permit</li> </ul>
Industrial Development Agency	<ul style="list-style-type: none"> <li>▪ Approval for PILOT</li> </ul>
Department of Planning	<ul style="list-style-type: none"> <li>▪ General Municipal Law (GML) Review: Section 239</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>▪ Sanitary Sewer System Approval</li> <li>▪ Mosquito Breeding Suppression Plan Review</li> <li>▪ Backflow Prevention Device Approval</li> </ul>
<b>New York State</b>	
Department of Environmental Conservation	<ul style="list-style-type: none"> <li>▪ State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-20-001)</li> <li>▪ Protection of Waters Permit</li> <li>▪ Section 401 Water Quality Certification</li> </ul>
Department of Transportation	<ul style="list-style-type: none"> <li>▪ Roadway Permit</li> </ul>
Office of Parks Recreation and Historic Preservation	<ul style="list-style-type: none"> <li>▪ Project Notification and Review</li> </ul>
Thruway Authority	<ul style="list-style-type: none"> <li>▪ Occupancy Permit</li> </ul>
<b>Federal</b>	
United States Army Corps of Engineers	<ul style="list-style-type: none"> <li>▪ Standard Individual Permit (Wetlands Permitting)</li> </ul>

## **6.0 FINDINGS CONCERNING ENVIRONMENTAL IMPACTS**

The DEIS and FEIS (together, the "EIS") include the environmental evaluation of the following topics as per the final Scoping Document:

- › Geology and Soils
- › Ecology and Natural Resources
- › Wetlands, Waterbodies and Watercourses
- › Stormwater Management
- › Hazardous Materials
- › Traffic and Transportation
- › Noise
- › Air Quality and Greenhouse Gases
- › Historical, Archaeological and Cultural Resources
- › Utilities
- › Community Facilities and Services
- › Visual Resources
- › Fiscal Impacts
- › Construction Impacts

### **6.1 Geology and Soils**

Modifications to the existing topography of the Site will be necessary to accommodate the Proposed Action. A total of 60.97 acres (36.5% of the 166.91-acre Project Site) will be disturbed (including 44.6 acres previously disturbed plus 16.37 acres of additional disturbance). Approximately 300,000 cubic yards of fill material will be imported. An estimated 3.52 acres of steep slopes would be impacted and 0.37 acres of excessively steep slopes would be impacted. Construction on steep slopes has been avoided to the greatest extent practicable. The use of retaining walls in select locations would limit the amount of grading necessary.



Based upon soils testing performed to date, no blasting will be required for construction of the Project. If rock is encountered during site excavation, the Applicant will use alternate methods of rock removal, which may include chipping or ripping. This SEQR evaluation did not consider the impacts associated with blasting as none is proposed.

An Erosion and Sediment Control Plan has been developed to mitigate short-term construction-related impacts. This plan, which will be included with the final Site Plan and Stormwater Pollution Prevention Plan (SWPPP), addresses the following erosion and sediment controls: stabilized construction access; temporary stockpiles; silt fencing; haybales; catch basin inlet protection; geotextile filter bags; concrete truck washout; dust control; sprinkling; windbreakers; winter stabilization; and protection of exposed soil.

Practices that would be implemented to protect water quality during the clearing and grading stage of construction would include erecting a construction fence demarcating the limit of disturbance; stabilizing the construction entrance established along the access road to the Project Site; delineating a vehicle and equipment staging area with flags, tape and/or spray paint; installing field office trailers for the construction engineers and managers, portable toilets, and dumpsters for trash, as necessary; delineating material stockpile areas with silt fencing; haybales; paved surface inlet protection; and spill kits. In addition, the required clean suitable soil/fill material needed for the regrading of the Project Site would be placed immediately, spread, and compacted in layers one foot or less in thickness. During building construction, concrete truck washout would remain at the Project Site near the stabilized construction entrance. All disturbed areas would be permanently stabilized post construction with vegetation of hard surfaces to prevent potential for erosion following construction.

All erosion and sediment control measures would be inspected in accordance with State Pollutant Discharge Elimination System (SPDES) Permit requirements. Inspections would be conducted daily by a trained contractor to determine when measures need maintenance or repair. In addition, periodic inspections and maintenance of the stabilized construction access point would be provided after each rainfall event and on an as needed basis at the discretion trained contractor

so as to prevent tracking of sediment onto public rights-of-way or into the Project Site as a result of truck operations.

***FINDING.*** *The Suffern Planning Board finds that the implementation of the mitigation measures described above represents the best available technologies and practices to ensure that any impacts to the Site's soils or geologic resources are minimized to the maximum extent practicable. Subject to the implementation of these mitigation measures, no significant adverse impacts to the Project Site's geology or soils will result from the Proposed Action.*

## **6.2 Ecology and Natural Resources**

Areas of prior development and associated parking are centrally located within the Project Site and bisect a forested habitat located within the eastern and western portions of the site, except that a southerly corridor presently exists connecting west to east. Currently, high value wildlife habitat exists within the eastern, western, and southern portions of the site within the oak-tulip tree forest, red maple hardwood swamp, floodplain forest, shallow emergent marsh, and marsh headwater stream habitats. Wildlife movement from the 12.13-acre Wetland A in the west to the 52.8-acre upland oak-tulip tree forest in the east is somewhat facilitated within the southern portion of the Project, but construction of Building 2 will result in further onsite habitat fragmentation and further limit wildlife habitat and movement.

The onsite and surrounding forested areas are secondary and tertiary growth forests that developed as a result of historic disturbances. While the Proposed Project proposes removal of mature trees and replacement with saplings, the onsite mature trees are part of a larger, mature, forested area sited to the east, south, and west of the project site. The trees to be preserved with the Project, as well as the adjacent forested areas to the south and east will continue to provide some foraging, nesting, and roosting habitat, as well as shelter for wildlife, although overall, the wildlife corridor will be severely limited to the south. Further, the Applicant owns the easterly property, and same could be developed in the future. No offer has been made to conserve the property. All tree to be planted in accordance with the Landscape Plan are native to New York.



The tree mix and landscape plan will be finalized during site plan review.

The impacts associated with wetland disturbances will be mitigated through the creation of 110,213 square feet (2.53 acres) of wetlands, enhancement of 63,624 square feet (1.46 acres) of wetlands, and enhancement of 56,899 square feet (1.31 acres) of wetland adjacent area along basin slopes by planting these areas with native species that will provide food and cover for wildlife habitat. However, to create such mitigation, additional forest and upland habitat is being removed. The mitigation plan proposes to add 724 native trees and 154 native shrubs, and planting a 12,940 square foot (0.30 acres), 5-foot-wide buffering hedgerow planted with native species to mitigate for wetland and forest removal. Mitigation will provide new freshwater wetland and associated adjacent area values including, but not limited to, new habitat, food and cover, supplement existing pathways for wildlife, storm control, and ecosystem cleaning. The Proposed Project will result in further habitat fragmentation of the Project Site by reducing the width of the southerly corridor, by adding buildings and roads through the corridor.

While the Project Site is located within the range of the federally and New York State endangered Northern Long-Eared Bat (NLEB) species, NLEB were not observed within the Study Area during natural resource inventory field visits. The New York Natural Heritage Program (NYNHP) and NYSDEC Region 3 staff were consulted regarding occurrences of hibernacula or maternity roosts within or near the Study Area. Both the NYNHP and NYSDEC Region 3 correspondence specified that the Study Area is not within screening distance of any known (to NYSDEC) records of NLEB. To mitigate potential impacts to the NLEB, prior to any tree clearing onsite, snags and cavity trees shall be identified and flagged within the proposed development envelope. All tree clearing activities will be monitored for the presence of flying bats. If bats are observed flying from a tree that has been cut, the cutting activity for that tree will stop immediately and the regional NYSDEC office will be contacted. As the number of snags and cavity trees is expected to be minimal, cutting of these trees will only require one to two days to complete. When the snags and cavity trees are removed, the Applicant will commit to removing these trees in the presence of a professional bat consultant. As tree cutting is proposed to occur between November 1<sup>st</sup> and March 31<sup>st</sup>, no impacts to the NLEB are anticipated with the Proposed Action.



The USFWS identified the Bog Turtle as potentially present within the Project vicinity – the reptile is a federally threatened and New York State endangered species. Phase I and Phase II Bog Turtle surveys were conducted by a USFWS Qualified Bog Turtle Surveyor, and Bog Turtles were not documented at the Project Site. Surveys identified approximately three acres of potential habitat for the species—a mosaic of spring-fed marsh, shrub swamp, and sparse-canopy hardwood swamp—in the western part of the property along Tributary 1. Suitable habitat was not identified within the remainder of the site.

Eastern box turtles (*Terrapene c. Carolina*), also known as Woodland Box Turtle, are a New York State species of special concern as per Section 182.2(i) of 6NYCRR Part 182, and were encountered onsite. On the project site, the core habitat for eastern box turtles is located approximately 300 feet west of the proposed development within Wetland A. These mitigation areas will maintain a natural cover and provide desirable edge habitat for box turtles. Although open field habitat will be lost due to development, box turtles will have ample wetland and upland habitat to utilize throughout the remaining western, southern, and eastern portions of the project site where woodlands and transitional upland areas consisting of shrubs, flowering perennial plants, and grasses are being preserved as well as planted.

During final site plan review, the Applicant shall install such devices as necessary to protect turtles from road kill, from the numerous driveway crossings that will impact the tributary which links the westerly and easterly portions of the project site. This will include review of the proposed crossings, ensuring the culverts are adequate for migration, and barriers to ensure turtles avoid parking and driveway areas.

Amphibian and reptile species observed within and adjacent to the on-site pond that will be removed include common snapping turtle (*Chelydra serpentina*), painted turtle (*Chrysemys picta*), northern water snake (*Nerodia sipedon*), and green frog (*Rana clamitans*). Prior to site construction and to the extent practicable, reptiles and amphibians utilizing the existing on-site pond will be

relocated to the adjacent wetlands to the east. Based on field observations, the number of turtles to be relocated is estimated to be approximately 20 individuals. Amphibian species in and around the pond were found in low numbers and likely comprise a variable degree of general occurrence not likely exceeding twenty or so individuals at any one time. Only reptile and amphibian species are proposed for relocation as the remainder of species observed utilizing the project site will relocate to undisturbed areas of the site without assistance. A qualified biologist will perform continuous trapping and releasing prior to and during preparation for construction activities in and around the pond.

The proposed mitigation plan expands the core wetland and upland habitat for box turtles and creates additional box turtle habitat, including additional interfaces between surface water and dry upland.

The mitigation areas located between the proposed development and remaining wetlands will be planted with native species. These mitigation areas will maintain a natural cover and provide desirable edge habitat for box turtles. Although some open field habitat will be lost due to development, box turtles will have ample wetland and upland habitat to utilize throughout the remaining western, southern, and eastern portions of the project site where woodlands and transitional upland areas consisting of shrubs, flowering perennial plants, and grasses are being preserved as well as planted.

The Project includes development that would permanently disturb approximately 58.5 acres of upland, of which approximately 23 acres currently provides potential habitat for eastern box turtles. The wetland and upland mitigation along with 82 acres of preserved uplands on and adjacent to the eastern edge of the Project site will serve to maintain substantial box turtle habitat throughout the project site and limit potential impacts to the species.

The oak-tulip tree forest ecological community contains potential habitat for timber rattlesnakes, however, NYSDEC Region 3 staff noted that while the Study Area is within screening distance of known occurrences of timber rattlesnakes, the site is separated from NYSDEC known records of



the species' occurrence by barriers to snake dispersal.

Milkweed will be planted at a higher density than currently exists onsite to mitigate against the loss of the successional old field ecological community which is habitat for Monarch butterflies.

Fertilizers and pesticides will be used as a last resort. Before the use of fertilizers, pesticides, herbicides, and fungicides, any identified invasive species will first be targeted for physical removal. Should physical removal not suffice, and the use of fertilizers, pesticides, herbicides, or fungicides be required, the Applicant will consult the appropriate regulating authority.

Sustainable landscape management practices to be implemented as part of the mitigation plan include utilization of plants that are non-invasive, low or no maintenance, and preferably native, eradication of existing invasives and preventing their establishment, enhancement and creation of wildlife corridors and habitat connectivity. Applicable maintenance notes will be added to the final site plan and made a condition of the approval.

***FINDING.*** *The Suffern Planning Board finds that the project will result in 60.97 acres of disturbance, including 44.6 acres previously disturbed plus 16.37 acres of additional disturbance. The impacts associated with wetland disturbances will be mitigated through the creation of 2.53 acres of wetland, 1.46 acres of wetlands enhancements, and 1.31 acres of enhancements to wetland adjacent area along basin slopes. No rare, threatened or endangered species of plants or animals are present on the Site. While the Project will result in a more limited habitat corridor within the southern portion of the site, additional measures will be integrated into the site's design to provide a more robust habitat connection between the habitat to the west and east of the site through the southerly corridor. The Planning Board finds that tree removal is reasonably necessary to accommodate the Proposed Action and that the proposed Landscaping Plan, consisting of native species, will result in the development of a beneficial, robust and diverse ecological landscape. No significant adverse vegetation or wildlife impacts are anticipated.*



### 6.3 Wetlands, Waterbodies and Watercourses

The Project requires placement of fill within regulated freshwater wetlands and totals approximately 3,716 square feet (0.085 acres) of freshwater wetland disturbance, 97,132 square feet (2.23 acres) of U.S. Army Corps of Engineers (USACE) regulated pond disturbance, and 583 square feet (0.013 acres) of disturbance to USACE tributaries.

Mitigation, as related to USACE permitting, requires a 1:1 mitigation ratio for the existing on-site pond, a man-made dammed/impounded waterbody created in upland from existing streams entering an existing the pond.

- › Total disturbance inclusive of the on-site pond is 2.329 acres (101,431 SF)
- › Total wetland disturbance is 0.099 acres (4,299 SF)
- › Total pond disturbance is 2.23 acres (97,132 SF)
- › Total proposed mitigation is 2.882 acres (125,545 SF), greater than a 1:1 ratio.

Mitigation measures have been prepared and implemented in accordance with a USACE Standard Individual Permit (SIP) to offset adverse impacts to the onsite waters of the United States. The applicant shall comply with mitigation requirements provided by USACE project staff reviewing the SIP application. The site plan incorporates the following mitigations:

- › Hedgerow (259 Shrubs) = 12,940 SF
- › Hedgerow (Grass Seeding) = 43,959 SF
- › Stormwater Infiltration Basins = 68,646 SF

The USACE was contacted during review of the FEIS and indicated that the mitigations were conceptually acceptable. The final mitigation measures will be those required by the USACE, and which are incorporated herein by reference.

In order to ensure the survival of the designed mitigation scheme, a maintenance program will be incorporated into the USACE Standard Individual Permit, the Findings, and site plan approval

conditions. Following the initial plantings, protective measures such as fencing or netting will be installed as necessary to protect the mitigation sites from wildlife. The plantings will be assessed by an appropriate environmental or landscape specialist to measure the success of the mitigation to ensure continued viability after construction. The landowner will monitor the plantings for the first five consecutive growing seasons in accordance with the performance standards listed below according to the following schedule listed in the table below. In general, standard landscape notes will be required on the plans, which indicate:

species shall not be substituted without approval by the Planning Board;  
and dead and dying vegetation will be replaced in kind and maintained for the life of the use.

#### Monitoring Details

Season	Details
Season One	The mitigation site will be monitored in early spring, summer and late fall.
Season Two	The mitigation site will be monitored in early spring, summer and late fall.
Season Three	The mitigation site will be monitored in early spring and late fall.
Season Four	The mitigation site will be monitored in early spring and late fall.
Season Five	The mitigation site will be monitored in early spring and late fall.

Plant Replacement: An observed survival rate of 85 percent or more of the planted vegetation will be considered a successful planting for any given season. If greater than 15 percent mortality has occurred, replanting will be required and undertaken by the applicant to attain initial planting densities. Once established, natural succession will be allowed to occur. The natural, passive establishment of local species will further enhance the plant diversity of these mitigative zones. Upon completion of the fifth growing season and following USACE approval, the landowner will remove any on-site silt fences.

Invasive species Identification and Eradication: As part of the maintenance plan, any invasive plant species identified within the mitigation area will be targeted for removal using physical and if necessary, approved herbicidal management. Consultation and subsequent approval from USACE personnel will take place prior to the initiation of any herbicidal controls that may be required to control the spread of any invasive species. Mechanical removal will be required first, and where this is not effective, only then will herbicidal controls be used.

**Performance Standards:** To assess the success of the mitigation scheme on an annual basis, a set of ecologically based performance standards will be instituted to examine whether the project is achieving its objectives.

Field measures including a transect, observation points, or sampling plots for each vegetation bed will be used to perform an assessment of the mitigation areas to identify the community composition, vegetation, substrate, hydrological, and wildlife utilization attributes of the established and enhanced wetland areas. All mitigation areas within the site will be observed during each required field visit.

**Community Composition:** The relative cover for all native plant species within the strata of the wetland mitigation areas will be quantified by differentiating the absolute coverage of exotic/invasive species (if any) from the total cover of all species within each stratum.

**Vegetation:** Observation points will be located throughout planting zones. At each sample point herbaceous vegetation will be identified and recorded as follows:

- Sapling/Shrub Stratum – Each sapling/shrub within a 15-ft radius of the observation point will be identified and approximate cover for each individual specimen will be estimated by canopy diameter. A sapling/shrub will be classified as any woody plant having a height >3.2 ft. but a stem diameter of < 3.0 in., exclusive of woody vines.
- Herb Stratum – All herbaceous species within or foliage extending into a 5-ft radius of the observation point will be identified including nonwoody and woody plants <3.2 ft in height.
- Cover estimates for vegetation will be calculated using absolute cover and include overlap. Dominant species in each sample plot will be identified using the 50/20 rule.

**Substrate:** The substrate will be examined to determine if the selected plantings are taking root in line with the existing vegetation. The development or formation of a rooted mat structure supporting the targeted vegetation will be noted.

**Hydrology:** The mitigation areas will be visually observed to determine if the natural hydrology and stormwater detention provides adequate hydrology to maintain the mitigative plantings. Observations of water levels will be recorded.



Wildlife Utilization: Direct observation of the mitigation areas at each point along the transects will be utilized to assess the presence and/or evidence of native and migratory wildlife species including birds, mammals, reptiles, amphibians, crustaceans and when possible insects and macroinvertebrates. Taxonomic description of wildlife or evidence thereof will be noted as to species and general location within the mitigation areas.

***FINDING.*** *The Suffern Planning Board finds that impacts to the on-site pond and mitigation measures described above represents adequate mitigation. Based on the U.S. Army Corps of Engineers confirmation that the proposed mitigation plan is conceptually acceptable and the Applicant shall implement mitigation measures to the satisfaction of the USACE, the mitigation measures will offset potential adverse impacts to wetlands, waterbodies and watercourses.*

#### **6.4 Stormwater Management**

The proposed development coverage area would increase from 20.86 acres within the Village of Suffern portion of the Project Site to 52.79 acres of impervious surface coverage, an increase of 31.93 acres. Various measures have been incorporated into the overall project design to minimize the potential for impacts to stormwater, including those detailed below.

- › A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the Project in accordance with the 2015 New York State Stormwater Management Design Manual, Chapter 233 of the Village Code, and the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity General Permit Number (GP-0-20-001).
- › The SWPPP includes a detailed erosion and sediment control plan identifying the specific erosion and sediment control measures to be implemented on the Project Site.
- › The proposed Project Site stormwater management system would consist of a series of vegetated stormwater infiltration and detention facilities which would release stormwater runoff at a controlled rate through outlet control structures into the on-site tributaries. The infiltration and detention facilities have been designed to satisfy the channel protection, overbank flood, and extreme storm requirements set forth by the New York State Stormwater Design Manual.

- › The proposed project provides for the following mitigation:
  - 68,646 SF (1.57 acres) of planted infiltration basins
  - 43,959 SF (1.01) acres of enhanced basin slopes

The stormwater management facilities would consist of a series of vegetated stormwater infiltration and detention facilities which would release stormwater runoff at a controlled rate through outlet control structures into the on-site tributaries. The infiltration and detention facilities have been designed to satisfy the channel protection, overbank flood, and extreme storm requirements set forth by the Stormwater Management Design Manual (SMDM).

The Proposed Project would consist of planted infiltration basins and enhanced basin slopes. Four aboveground basins would be located on the north, west, and south sides of Building 1 and its associated parking, and two additional basins would be located to the north of Buildings 2 and 3 (one basin north of each building). Underground infiltration basins are located on the west side of Building 1, and in the loading zones of Buildings 2 and 3. There are three underground detention basins located on site with two on the east side of Building 1 and one located in the road, in between Building 1 and Building 3.

Due to the increase in impervious coverage, the Proposed Project will require a large amount of stormwater infrastructure in order to collect, detain / infiltrate, and release stormwater runoff in a reduced capacity. The Proposed Project features a large network of stormwater inlets which collect surface runoff and conveys runoff through a series of stormwater pipes, manholes, and other inlets. Stormwater pipes are sized to contain enough capacity for a 25-year storm event. Runoff that is routed to an aboveground basin is discharged directly to the basin and treated for water quality. Stormwater entering an underground basin will pass through a manufactured treatment device to remove pollutants and contaminants from entering the basin. Once in the basin, the stormwater will either infiltrate into the ground water or be released at a controlled rate through an outlet control structure. An outlet control structure is a precast concrete structure consisting of orifices and weirs which are carved out of the structure at different elevations in order to control



the release of water leaving a basin.

The Proposed Project would also employ hydrodynamic separators to pre-treat surface runoff upstream of the proposed infiltration basins. Hydrodynamic separators treat stormwater through the use of gravity to remove settleable particles and phase separation to remove buoyant materials such as oils and grease. In addition, Jellyfish Media Filters, a stormwater quality treatment technology featuring high flow pretreatment and membrane filtration, would be employed to treat remaining stormwater that is unable to be captured and retained by the proposed infiltration and detention facilities, avoiding any stormwater hot spots. Overall, the Proposed Project would continue to direct stormwater runoff from the Project Site ultimately to Tributary 1. The Proposed Project intends to use several stormwater management systems to balance the amount of runoff leaving the Project Site and avoid any negative impacts.

The proposed aboveground and underground infiltration facilities have been designed in accordance with the following requirements set forth by the SMDM:

- › The bottom of the infiltration facility shall be separated by at least three feet vertically from the seasonally high-water table or bedrock layer (Four feet vertical separation from water table when located in sole source aquifers).
- › Infiltration basins located on aquifers shall provide 100 ft horizontal separation distance from wells.

A minimum pretreatment runoff volume of 25 percent of the incoming WQv must be provided prior to entry to an infiltration facility. Pretreatment can be provided via manufactured treatment devices such as the hydrodynamic separators and Jellyfish Media Filters described above.

Based on the relatively shallow depths from the existing grades to the seasonally high water table, it was necessary to raise the grade on-site in order to provide the necessary separation between the seasonably high water table and the proposed infiltration facilities. As such, the proposed infiltration facilities would be placed in fill soils.

No disturbance to the Montebello portion of the Project Site is proposed, and therefore no new stormwater management measures are required. Therefore, there would be no change to existing



drainage patterns in that location.

Through the implementation of the proposed stormwater management system, proposed combined runoff rates encompassing the total runoff during each storm event from all proposed drainage areas would be significantly reduced, in accordance with the SPDES General Permit for Stormwater Discharges from Construction Activity - GP-0-20-001.

Overall, with the implementation of the proposed stormwater management system detailed above, the proposed project site would result in decreased flows from the site and would promote positive groundwater recharge through the use of infiltration systems. The Project significantly reduces the volume of runoff generated from the 1, 10, 25, and 100-year storm, as required per the NYSDEC Stormwater Management Design Manual. While the 100-year storm event results in an increase of runoff volume, through the various stormwater management basins and outlet control structures, the volume of water is released at a controlled rate that will not result in flooding or increased erosion to downstream watercourses including the Mahwah River. The Proposed Action would have no adverse impacts on downstream properties or stormwater conveying systems, and would significantly improve overall runoff rates from the Project Site and to the surrounding Ramapo River watershed.

The following procedures are set forth in the SWPPP to ensure proper construction, operation, and maintenance of the proposed stormwater infrastructure. The routine maintenance of all stormwater infrastructure would ensure the continued effective management of stormwater on the Project Site and avoid equipment failures on an ongoing basis.

The applicant is responsible to maintain a detailed log of all preventative and corrective maintenance actions for the constructed stormwater facilities incorporated into the design, including record of all inspections and copies of all maintenance-related work orders. The applicant is also responsible for maintenance to evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and deed as needed. The applicant shall retain a

copy of the maintenance report onsite should a public entity request the maintenance report or documentation of said maintenance in the future.

- › During construction, a qualified inspector would inspect all stormwater management practices under construction to ensure they are constructed in conformance with the SWPPP.
- › The Applicant would own and be responsible for the operation and maintenance of the stormwater management practices on the Project Site. A maintenance agreement would be put in place to ensure the following long term operation and maintenance activities for each stormwater management practice:
  - Underground Infiltration Facilities: Maintenance of the underground infiltration facilities would require the upstream collection system feeding the chambers to be routinely inspected and cleaned. Upstream catch basins shall incorporate a sump and hooded outlet pipes as preventive measures. Debris accumulating in these structures shall be inspected and cleaned once every two to three months.
  - Hydrodynamic Separators: The vortex separator unit allows for easy and safe inspection, monitoring, and cleanout procedures. Cleaning would be scheduled with a local company to remove sediment, oil, and other floatable pollutants during dry weather conditions. All cleaning activities should be performed in accordance with property health and safety procedures. Site-specific conditions or the presence of known contaminants may necessitate that appropriate actions be taken to clean and dispose of materials captured and retained by the treatment device. All materials removed from the pretreatment devices during the maintenance process would be handled and disposed of in accordance with local and state environmental or other regulatory requirements. The hydrodynamic separators would be inspected every three months and cleaned as needed during construction and post-construction operation.
  - Jellyfish Filter: The Jellyfish filter systems would be inspected quarterly and after all storm events for debris build up, proper flow and signs of leaking to verify that they are working as intended. Required maintenance for the Jellyfish Filter would be based upon results of the most recent inspection.

An Erosion and Sediment Control Plan has been developed to mitigate short-term construction related impacts. This plan, which will be included with the Site Plan and SWPPP, addresses land grading, topsoiling, temporary vegetative cover, permanent vegetative cover, mulching and erosion checks. A continuing maintenance program will be implemented for the control of sediment transport and erosion after construction and throughout the useful life of the Proposed Action.



As described previously, all erosion and sedimentation controls would be installed, monitored, repaired, and replaced in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, and would be the responsibility of a trained construction contractor on-site. The proposed erosion and sediment control practices to be implemented as part of the Proposed Project are listed below. Details regarding erosion and sediment control and short-term maintenance and inspection requirements during construction will be provided on the final Erosion and Stormwater Pollution Prevention Plan Drawings. Compliance with the proposed erosion and sediment controls is critical to ensuring that disturbance is kept only to within the project area.

- › Stabilized Construction Access: Stabilized construction access points would be used at all points of construction ingress and egress. The construction access point would consist of a stabilized pad of aggregate underlain with geotextile located at any point where traffic would be entering or leaving the Project Site to or from a public right-of-way, street, alley, sidewalk, or parking area. The purpose of stabilized construction access is to reduce or eliminate the tracking of sediment onto public rights-of-way or streets. The stabilized construction access points would be established at two site access points from Old Mill Road. The stabilized construction access points would be constructed in accordance with the 2016 New York State Standards and Specifications for Erosion and Sediment Control.
- › Temporary Stockpiles: Materials, such as topsoil, would be temporarily stockpiled, as necessary, on the Project Site during the construction process. Temporary stockpile areas would be located, as depicted on the Erosion and Stormwater Pollution Prevention Plan drawings, in areas away from storm drainage, water bodies and/or drainage courses to the maximum extent practicable. The stockpile areas would be surrounded with silt fencing to prevent runoff sediment laden runoff from exiting these areas. Soils would be stockpiled on, at minimum, double layers of 8-mil minimum sheeting, and would be kept covered when not in use with appropriately anchored plastic tarps. Broken or ripped tarps would be promptly replaced.
- › Silt Fence: Silt fencing would be installed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. These barriers may extend into non-impact areas to provide adequate protection of adjacent lands. Silt fencing would serve to intercept sediment laden runoff from areas with disturbed soils, reduce the runoff velocity and initiate deposition of the transported sediment. Tall stakes would be used for the silt fencing to allow for visibility above potential snowpack.
- › Haybales: A temporary barrier of straw, or similar material, would be used to intercept sediment laden runoff in areas where it is not feasible to utilize silt fence.
- › Catch Basin Inlet Protection: Catch basins within and surrounding the Project Site with the potential to receive sediment laden runoff from the Project Site would be protected by a filter fabric drop or manufactured insert inlet protection measures. Filter fabric barriers would be installed around inlets to detain water, thereby reducing the sediment content



- of sediment laden water by settling and thus preventing heavily sediment laden water from entering a storm drain system. The top of the barrier would be maintained to allow overflow to drop into the drop inlet and not bypass the inlet to unprotected lower areas.
- › Geotextile Filter Bag: In the event that dewatering is required, or stormwater ponding is present, localized dewatering would occur and geotextile bags would be used to trap and retain sediment onsite from pumped water.
  - › Concrete Truck Washout: A concrete truck washout would be installed near the stabilized construction entrances along the access road. The concrete truck washout would allow concrete truck mixers and equipment to be washed after their loads have been discharged, to prevent highly alkaline runoff from entering storm drainage systems or leaching into soil. They would be constructed to contain solids, wash water, and rainfall in addition to allowing for the evaporation of such waters.
  - › Dust Control: Dust control measures would be implemented throughout the Project Site. To the extent practical construction activities would be phased to minimize the amount of area disturbed at one time. For disturbed areas not subject to traffic, vegetation would be utilized to stabilize the exposed surfaces. For disturbed areas subject to traffic, dust control methods utilizing water or wind breakers would be used, as necessary.
  - › Sprinkling: To provide short term dust control, the Project Site may be sprayed with water until the surface is wet. No surface runoff would be generated from spraying activities.
  - › Windbreakers: A silt fence or similar barrier may be used, if deemed necessary by the trained contractor, to control air currents at intervals equal to ten times the barrier height. Preservation of the existing wind barrier vegetation would occur to the maximum extent practical.
  - › Winter Stabilization: Sediment and erosion controls would be modified as follows during winter months:
    - Snow Management: A snow management plan would be prepared allowing for adequate storage of mounded snow and control of the melt water, while not impacting ongoing construction activities. Stabilized construction access points would be widened as necessary to allow for snow management and stockpiling. Snow management activities (plowing) must not destroy or degrade installed erosion and sediment control practices. A minimum 25-foot buffer would be maintained, to the extent practical, from all perimeter controls such as silt fencing. Drainage structures must be kept open and free of snow and ice dams. All debris, ice dams, or debris from plowing operations, which restrict the flow of runoff and meltwater, shall be removed.
  - › Protection of Exposed Soil: Exposed soils would be protected by the use of established vegetation, anchored straw mulch, rolled stabilization matting, or other durable covering. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures as described above would be initiated. Disturbed areas remaining exposed for more than 14 days during construction operations would be stabilized temporarily. Straw or manufactured mulch would be applied at double the typical application rate when mulching is alone used for stabilization. Stone paths would be utilized when deemed necessary by the trained contractor or qualified inspector to

stabilize access perimeters of buildings under construction and areas where construction vehicle traffic is anticipated.

Practices that would be implemented to protect water quality during the clearing and grading stage of construction would include erecting a construction fence demarcating the limit of disturbance; stabilizing the construction entrance established along the access road to the Project Site; delineating a vehicle and equipment staging area with flags, tape and/or spray paint; installing field office trailers for the construction engineers and managers, portable toilets, and dumpsters for trash, as necessary; delineating material stockpile areas with silt fencing; haybales; paved surface inlet protection; and spill kits. In addition, the required clean suitable soil/fill material needed for the regrading of the Project Site would be placed immediately, spread, and compacted in layers one foot or less in thickness. During building construction, concrete truck washout would remain at the Project Site near the stabilized construction entrance. All disturbed areas would be permanently stabilized post construction with vegetation of hard surfaces to prevent potential for erosion following construction.

All erosion and sediment control measures as detailed above would be inspected in accordance with the SPDES requirements. Inspections would be conducted daily by a trained contractor to determine when measures need maintenance or repair. In addition, periodic inspections and maintenance of the stabilized construction access point would be provided after each rainfall event and on an as needed basis at the discretion of the trained contractor so as to prevent tracking of sediment onto public rights-of-way or into the Project Site as a result of truck operations. The Village of Suffern will retain a stormwater inspector, whom will be paid through escrow by the Applicant, to monitor all stormwater facilities in compliance with Village regulations.

The subject property is located in the Suffern Flood Plain District, which is subject to Section 266-17 of the Village of Suffern Zoning Code. Per Section 266-17C., all uses in the Flood Plain District require the issuance of a special permit. A plan demonstrating that floodproofing measures are consistent with the flood protection elevation and associated flood factors for the area must be submitted to the Planning Board by a registered professional engineer. This plan must



demonstrate that the proposed development will not result in any adverse effects on the neighboring properties within the floodplain. The Floodplain Administrator for the Village of Suffern shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency. A special permit is required from the Planning Board to permit the regrading/disturbance within the floodplain and will be requested during the site plan review process. The Applicant will submit the required plans and information in accordance with Section 266-17C of the Village of Suffern Zoning Code. As the floodplain also contains the onsite wetland habitat, any floodplain measures will need to be consistent with the mitigation plans for wetland preservation and enhancement.

The stormwater management facilities will be transmitted to the Rockland County Department of Health for review, to ensure compliance with county regulations.

***FINDING.*** *The Suffern Planning Board finds that the Project conforms to the substantive requirements of the NYSDEC SPDES General Permit for Construction Activities, Permit No. GP-0-20-001, minimizes increases in stormwater runoff from the development of the Project Site in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels; minimizes increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality; minimizes the total annual volume of stormwater runoff which flows from the Site during and following development to the maximum extent practicable; and reduces stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensures that these management practices are properly maintained and eliminate threats to public safety. No significant adverse stormwater impacts are anticipated.*

## **6.5 Hazardous Materials**

A Phase I Environmental Site Assessment (Phase I ESA) was conducted (March and May 2020) to establish current and historic environmental conditions on the Project Site. Based on the findings of the Phase I ESA, a Phase II Environmental Investigation (Phase II EI) was conducted (November 2020) for the purposes of investigating potential subsurface contamination at the Project Site.



Based on the analytical results of the soil borings, the Phase II EI concluded that no further investigation or remediation is warranted for soils or groundwater.

A Hazardous Materials Survey (June 2022) surveyed potential hazardous materials within the following structures: Main Building; Main Building Manufacturing Section; Energy Center; Guard House 1; Guard House 2; Fire Pump House 1; Fire Pump House 2; Hazmat Shed; Ground Keeper's Shed; and Sewage Pump House. A pre-demolition survey was conducted to identify all environmentally hazardous materials located within the proposed scope of work at the Project Site including asbestos containing materials (ACM), lead based paint (LBP), and other hazardous materials regulated under the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Toxic Substances Control Act (TSCA), or the Universal Waste Rule (UWR).

Demolition of the existing building has occurred in consultation with the Suffern Building Department. The Applicant and its demolition contractor complied with the Village of Suffern Building Inspector throughout the demolition process. The only materials regulated by the Toxic Substances Control Act (TSCA) which were identified in the Hazardous Materials Survey Report appended to the DEIS included light ballasts. Light ballasts were removed by the Applicant's demolition contractor accordingly.

Abatement of asbestos-containing material (ACM) was undertaken prior to demolition of on-site buildings. Concrete flooring and building interior walls were assessed to address disposal options. Regulatory requirements relating to hazardous building materials, such as asbestos, polychlorinated biphenyls (PCBs) and lead have been followed as part of standard redevelopment practices. Standard demolition practices such as the removal or abatement of any existing chemicals on-site were employed.

Operationally, the Project will not result in the storage of any hazardous wastes within the proposed warehouses.

***FINDING.*** *The Suffern Planning Board finds that the Project will not generate significant adverse impacts related to hazardous materials. The Proposed Project is not anticipated to uncover any hazardous conditions not previously discovered and addressed during the demolition process. Should any such conditions arise during construction, the Applicant is responsible for delivering a site remediated in accordance with NYSDEC standards.*

## **6.6 Traffic and Transportation**

Access to the Project Site would be provided via a full movement driveway at the south end of the Project Site along Hemion Road and two full movement driveways at the north end of the site along Old Mill Road. Old Mill Road will be the primary entrance and exit for truck traffic. The Proposed Project parking lots would be serviced by parking aisles with a width of 24 feet, in compliance with the Village of Suffern Village Code minimum requirements. These aisles would allow for two-way circulation and 90 degree parking. Circulation between the driveway and buildings would be serviced by aisles with a width of 36 feet. Truck loading areas, which are separated from the parking lots, would be serviced by aisles with a width of 70 feet. The Proposed Project has been designed such that the Project Site can sufficiently accommodate a large wheel base vehicle, such as a single unit truck (SU), or a tractor with a 53-foot trailer, along with the automobile traffic anticipated.

The Proposed Project is projected to generate 242 trips during the weekday morning peak hour and 257 trips during the weekday evening peak hour.

Operational conditions at 16 study area intersections were analyzed under the No Build and Build conditions. Mitigation measures were developed where level of service degradations, significant increases in delay and/or queue lengths extending beyond available storage were observed for each of the study intersections. In consultation with NYSDOT, it was noted that:

- › The Traffic Impact Study (TIS) included traffic from the numerous developments (some in neighboring Villages, including the Village of Montebello) pending in the area of the project and represents a collective impact on the Route 59 corridor.

- › The existing shared right-turn/bus lanes cannot be reassigned on the Route 59 intersection approaches and must be maintained as a shared right-turn/bus lane or exclusive bus lane.
- › The implementation of the double left-turn movements at the Hemion Road and Airmont Road intersections would require right-of-way (ROW) acquisition to comply with NYSDOT design standards.
- › The Applicant will work with the NYSDOT, as well as the Village of Suffern and Town of Ramapo and other applicable jurisdictions to discuss the opportunity to acquire ROW in the future from properties adjoining the intersections to facilitate these improvements, if warranted.
- › The NYSDOT would require the acknowledgment from the Village of Suffern that the proposed viable mitigation is acceptable.

Airmont Road (CR 89) / Route 59 intersection and Hemion Road / Route 59 intersection  
(proposed by the Applicant without Road Widening):

- › Extension of existing turn lanes within existing gore areas to provide increased vehicle stacking.
- › Radius modifications to improve vehicle turning movements.
- › Traffic signal equipment replacement to include camera detection and adaptive traffic signal control.
- › ADA ramp and pedestrian crossing upgrades at both intersections.
- › Modifications to the traffic signal timing and phasing to optimize intersection operations.
- › Mill & overlay of areas to be restriped.

The DOT Highway Work Permitting would run concurrent with Site Plan approval through the Village of Suffern. Improvements are required to be completed prior to issuance of the Certificate of Occupancy (CO). These improvements, along with the signal timing modifications, would need to be coordinated with the NYSDOT and appropriate utility companies. Funding of the necessary improvements would be provided by the Applicant.

Airmont Road (CR 89) and the I-87 SB/I-287 EB Ramps:

Signal timing modifications would need to be coordinated with the operator of the signals. No roadway improvements or additional right-of-way would be necessary.



Airmont Road (CR 89) and the I-87 NB/I-287 WB Ramps:

Signal timing modifications would need to be coordinated with the operator of the signals. No roadway improvements or additional right-of-way would be necessary.

Montebello Road (CR 64) & Hemion Road (CR 93)/Ryan Mansion Drive:

Convert the intersection to multi-way stop control. Additional improvements to ensure consistent operations of the Suffern Middle School driveways may also be necessary. Construction should be scheduled during the summertime to occur during school breaks. Funding of the necessary improvements would be provided by the Applicant.

Hemion Road (CR 93) & Old Mill Road

Widen Hemion Road to provide a dedicated left turn lane with 75 feet of storage length and a dedicated through lane on the northbound approach. The southbound approach of Hemion Road is proposed to provide a shared through/right turn lane. No changes are proposed to the eastbound approach of Old Mill Road, which currently provides a shared left turn/right turn lane.

NYSDOT Consultation

The Applicant has been actively engaged with the New York State Department of Transportation (DOT) to review the proposed impacts to the state highway system and the need for mitigation. In particular the NYSDOT has been reviewing the traffic impact study (TIS) and projected impacts along the Route 59 corridor, including at the Route 59 / Hemion Road / and Route 59 / Airmont Road intersections. The review of the Traffic Impact Study will be ongoing as the Applicant progresses through final site plan review and as part of the Commercial Highway Work Permit (CWP) process.

Signage

Appropriate signage will be incorporated into the site plan which shows onsite and, if necessary, offsite signs which require that trucks utilize the Airmont Road to Route 59 route, and are not directed to Montebello Road, either for arriving or leaving tractor trailer traffic. Other measures, including handouts, etc., will be distributed to truck drivers.

In addition to these NYSDOT improvements, all other required improvements including those at Montebello Road and Hemion Road (as required by Rockland County Highway) will be completed by the Applicant prior to issuance of a Certificate of Occupancy in consultation with the applicable reviewing agency, i.e., Rockland County Highway Department.

**FINDING.** *The Suffern Planning Board finds that, with the implementation of the proposed mitigation measures, the surrounding street system of the Village of Suffern, the Village of Montebello, Rockland County, and NYSDOT would not experience a significant degradation in operating conditions with the construction of the Proposed Project, and therefore no significant adverse traffic impacts are anticipated. With the required mitigation measures outlined above, the volume of traffic generated by the Proposed Project will not result in any significant degradation in the Levels-of-Service at surrounding intersections, or in the operating conditions of area roadways.*

*Prior to site plan approval, the Applicant shall actively and diligently coordinate with the NYS Department of Transportation ("NYSDOT") and the Rockland County Department of Highways and receive conceptual "sign-off" on the mitigations necessary to mitigate any significant adverse impacts created by the Proposed Action as required by each specific agency. The Applicant is willing to contribute to a future improvement project at Route 59 and Airmont Road.*

*It is therefore concluded that no significant adverse traffic or transportation impacts will result from the Proposed Action.*

## **6.7 Noise**

The Suffern Planning Board (Lead Agency), together with the Board's Planning Consultant, secured a third-party acoustical consultant to review the facility noise assessment prepared by the Applicant's acoustical consultant. The Planning Board's third party consultant concluded that the hourly assessments of facility operation, in comparison to hourly ambient sound survey data,

support the conclusions that sound level increases should not be unacceptable in accord with the noise requirements of the village code and the NYSDEC noise policy with the implementation of mitigation measures.

It is concluded the projected sound level differences are below the NYSDEC recommended limit of 6 dBA to sound level increases caused by a source and should be acceptable to most individuals. The differences might only be perceptible by individuals of increased sensitivities located along the southern boundary of the site who might be outdoors or have open windows in the nighttime hours.

The day-night average ambient sound levels at each evaluated location were calculated from the ambient hourly average sound levels to approximate 55 dBA at most receiver locations. This is the NYSDEC recommended limit based on EPA guidelines. The future day-night sound levels may slightly increase by 2-3 dBA with the noise contributions of facility operations, but the increases would not result in significant adverse impacts.

Mitigation measures will include the construction of two sound wall barriers at Buildings 2 and 3. Both barriers will be constructed to a height of 15 feet above the paved truck court. The sound barrier for Building 2 will be approximately 130 feet in length; the sound barrier for Building 3 will be approximately 375 feet in length. Note that to be effective, the noise control barrier must meet the following requirements:

- › The barrier needs to be solid, without openings, and be of sufficient surface weight. A recommended minimum surface weight for the barrier is 7 lbs./ft<sup>2</sup>.
- › Appropriate materials of construction for the barrier include 5/8-inch-thick sheet steel piling, precast or poured-in-place concrete, treated wood/engineered lumber, acoustical metal panels, or other hybrid system specifically manufactured for the purpose.
- › The barrier, being solid, will be designed to resist wind load. Hence, it is a structure that requires engineered footings, the design of which will be overseen by structural professionals.

To minimize any potential complaints from back-up alarms, trucks owned and controlled by the site will be outfitted with smart, ambient sensing, multi-frequency back-up alarms. HVAC and



rooftop equipment will be surrounded by louvers to mitigate sound levels.

**FINDING.** *The Suffern Planning Board finds that the proposed mitigation measures will avoid, minimize and mitigate the potential noise impacts to the maximum extent practicable.*

## 6.8 Air Quality and Greenhouse Gases

Based on the air quality analysis conducted for the Proposed Project, the project operations would not result in long-term adverse air quality impacts.

Mitigation measures that will be applied during construction to reduce particulate matter (PM<sub>10</sub>) and other construction-related emissions include the following:

- › Dust control. New York State Standards and Specifications for Erosion and Sediment Control for construction areas require stabilization of non-driving areas and sprinkling, covering, or/and installing barriers along driving areas during construction in order to prevent dust from becoming airborne.
- › Clean Fuel. Ultra-low sulfur diesel (ULSD) would be used exclusively for diesel engines related to construction activities for the Proposed Project. This is a federal requirement since 2010 that enables the use of tailpipe reduction technologies that reduce diesel particulate matter and SO<sub>2</sub> emissions.
- › Restrictions on Vehicle Idling. 6 NYCRR 217-3 enforced by NYSDEC prohibits diesel and non-diesel vehicles of class two or heavier from idling for more than five minutes at a time. On-site vehicle idle time would be restricted for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.
- › Given the construction timeframe, equipment meeting Tier 4 standards for diesel engines (model years 2011/12 and beyond) would be expected to be in wide use and comprise the majority of contractors' fleet. If contractors choose to use older diesel equipment, it is expected that the use of diesel particulate filters (DPF) in Tier 3 emission standard for diesel engines (model years 2006-2011 for engine sizes between 100 and 600 hp)<sup>2</sup> will be prevalent. Tier 3 with DPF achieves the same particulate matter emission reductions as a newer Tier 4 emission standard for diesel engines. The combination of Tier 4 and Tier 3 engines with DPF would achieve diesel particulate matter reductions of approximately 90 percent when compared to older uncontrolled engines.

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<sup>2</sup> See Table 2-1 of the USEPA's Exhaust and Crankcase Emission Factors for Nonroad Compression-Ignition Engines in MOVES3.0.2 document

All these measures are expected to greatly reduce potential air quality impacts of construction from the Proposed Project on surrounding sensitive land uses.

The project plans to use sustainable features to further reduce climate change impacts. The proposed warehouses will be designed to accommodate the load standards for solar capabilities on the roof. If the tenants install solar panels, it would offset direct and indirect GHG emissions from project operations, on the way to net zero. In addition to designing the warehouses to accommodate the load standards for solar capabilities on the roofs, the following GHG emission reduction measures will help the project achieve net zero:

- › Use of building materials including reflective paint that would reduce the use of HVAC;
- › Installation of electric vehicle charging stations: 15 charging stations altogether, 10 near Building 1, 3 near Building 2 and 2 near Building 3.
- › The installation of highly reflective white Thermoplastic Polyolefin (TPO) roofing to minimize heat absorption and reduce cooling needs;
- › Design and use of native and water-efficient landscaping;
- › Develop and implement a marketing/information program that includes posting and distribution of ride sharing transit information;
- › Efficient use of lighting, HVAC, hot water, waste disposal, etc. in the warehouses during operations:
  - Eliminate or reduce the use of refrigerants in the HVAC systems;
  - Install motion sensors and high-efficiency LED lighting and climate control;
  - Use efficient directed exterior lighting;
  - Use water conserving fixtures that exceed building code requirements;
  - Incorporate glazing on windows to reflect heat;
  - Promote and facilitate recycling. Provide for storage and collecting recyclables in building design;
  - Apply for LEED certification. Leadership and Environmental Design (LEED) is a U.S. Green Building Council rating system that provides framework for healthy, efficient and sustainable buildings. LEED goal is to improve efficiency, lower carbon emissions, enhance resilience and support more equitable communities.
- › Use sustainable practices during construction to reduce GHG emissions:
  - Use local construction materials as much as feasible to reduce transportation emissions. By using building materials that are extracted and/or manufactured within the region, delivery distances are reduced.
  - Use building materials with recycled content;
  - Dispose of construction waste locally;
  - Preserve undeveloped land;



- Restore and green out the developed land where possible after construction.

**FINDING.** *The Suffern Planning Board finds that the proposed mitigation measures will avoid, minimize and mitigate the potential impacts to air resources to the maximum extent practicable.*

## 6.9 Historic, Archaeological and Cultural Resources

No historic, archaeological, or cultural resources were identified on the Project Site. As per correspondence from NYS Office of Parks Recreation and Historic Preservation dated August 20, 2021, and July 29, 2022, indicates that “no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

The Proposed Project would not cause direct impacts to the Tagaste Monastery located approximately 600 feet south of the southernmost improvements proposed on the Project Site. Blasting is not proposed. If it is deemed necessary by the Planning Board and agreeable to the owners of Tagaste Monastery, the Applicant would provide landscape planting of a hearty, fast-growing evergreen species off site, at the rear of the Tagaste Monastery property to reduce visibility and impacts of Buildings 1, 2 and 3. This will be incorporated and detailed in the site plan approval. The Applicant shall provide evidence that the monastery was contacted to determine the need for offsite landscaping prior to site plan approval.

**FINDING.** *The Suffern Planning Board finds that the proposed mitigation measures will avoid, minimize and mitigate potential impacts to the Tagaste Monastery to the maximum extent practicable.*

## 6.10 Utilities

The Proposed Project is estimated to result in a decrease in demand for water and sanitary sewer service when compared to the prior use by the Novartis Pharmaceutical facility. There are no



anticipated off-site infrastructure improvements and no expansion of any utility service in public rights-of-way.

The Applicant has incorporated energy saving measures and water saving fixtures into the design of the facility. The Proposed Project has been designed with features to promote energy efficiency and other sustainability metrics, including the following measures, which will mitigate impacts to utilities systems:

- › Work towards LEED<sup>3</sup> certification. Leadership and Environmental Design (LEED) is a U.S. Green Building Council rating system that provides framework for healthy, efficient and sustainable buildings. LEED goal is to improve efficiency, lower carbon emissions, enhance resilience and support more equitable communities.
- › Use building materials that are extracted and/or manufactured within the region to reduce delivery distance
- › Designing the warehouses to accommodate the load standards for solar capabilities on the roof
- › Track energy performance of building and develop strategy to maintain efficiency
- › The installation of highly reflective white Thermoplastic Polyolefin (TPO) roofing to minimize heat absorption and reduce cooling needs
- › Incorporate glazing on windows to reflect heat
- › Incorporate motion sensors and high-efficiency LED lighting and climate control
- › Design and use of native and water-efficient landscaping

***FINDING.*** *The Suffern Planning Board finds that the Project will have no adverse impacts to water, sanitary sewer, gas, electric or telecommunications that require additional avoidance, minimization or mitigation.*

### **6.11 Community Facilities and Services**

The Proposed Project is expected to introduce approximately 400 full-time and 50 part-time new employees to the Project Site. On-site population (comprised of warehouse workers, and visitors) could result in an increase in the demand for police, fire, and emergency services.

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<sup>3</sup> USGBC LEED rating system, <https://www.usgbc.org/leed>

The Proposed Action is not expected to result in significant adverse impacts to police services; therefore, no mitigation measures beyond those already incorporated into the Proposed Action are proposed. The Proposed Project includes features to increase site safety and reduce demand for police protection, including on-site security measures such as security cameras installed throughout the proposed development, security gates at the site entrances, exterior lighting, key card access to all buildings, and an internal circulation design to minimize collisions.

The buildings will meet or exceed the requirements of the NY State Fire Code. The three (3) warehouses will include Fire Sprinkler Systems throughout the building that comply with Fire Code. Depending on the product to be stored within the warehouse, there may be fire suppression systems (ESFR) located within the racking systems to be able to handle a fire event in a localized area. Building 1 will be approximately 51 FT Tall and include various Fire Department Connections (FDC), ladders on the outside of the building for quick access to the roof and a full fire loop around the building with various Fire Hydrant connections. The Site Plan has also been designed to provide full circulation around Building 1 and three sided circulation around Buildings 2 and 3. No hazardous materials shall be permitted to be stored at any warehouse.

Although not in the New York State Fire Code, the Fire Inspector confirmed that National Fire Protection Association 1561, Standard on Emergency Services Incident Management System and Command Safety, indicates that the collapse zone standards are 1.5 times the height of the buildings. Buildings 1 and 3 are separated by 215.6 feet and buildings 2 & 3 are separated by 476.6 feet allowing adequate space - this is the space within which firefighters may not operate where concern exists regarding a collapse – the Applicant acknowledges its understanding of this NFPA guidance. All Fire Code fire and safety requirements will be addressed during the site plan review and approval process.

Based on the letter received from Fire Chief Jeremy Kaufer dated October 12, 2023, the fire department has reviewed the proposal and provided its comments. The Project is not expected to result in significant adverse impacts to fire services; therefore, no mitigation measures beyond those already incorporated into the Project are proposed. Based on initial discussions, a fire tank

and fire pumps may be required on-site for the proposed buildings to supplement the fire suppression needs for the buildings. The final fire suppression system will be determined during site plan review.

The Project is not expected to result in significant adverse impacts to EMS or healthcare facilities. The Project Site is in close proximity to Good Samaritan Hospital in the event of an emergency. No mitigation measures beyond those already incorporated into the Proposed Action are proposed.

The Proposed Action is not expected to result in adverse impacts to recreational facilities as the employees are not anticipated to place demand on the facilities; therefore, no mitigation measures are proposed.

Solid waste generated by the Proposed Project will be carted off-site via private carter contracted by the Applicant and/or tenants. Solid waste would be source-separated or comingled depending on the requirements of the hauler, transported off-site, and disposed of according to all applicable local and state regulations. Potential trash compactor locations have been identified on the site plan at opposite ends of each loading zone for each warehouse. Solid waste will be compacted and stored in the compactors to reduce the volume of waste. Any dumpsters will be screened from view. The compactors are in easily accessible locations for collection which will lead to efficient removal of solid waste. Therefore, no significant adverse impacts related to solid waste are anticipated, and no mitigation measures are proposed.

***FINDING.*** *The Suffern Planning Board finds that the Proposed Action may result in increased demand for certain community services, including police and fire protection. The Project shall be designed to meet all NYS Fire Code requirements as well as implement all measures set forth in the EIS documents. The revenues to be generated by the Project will offset the increase in demand for police, fire, and emergency services. No significant adverse impacts to community facilities or services are anticipated.*



## **6.12 Visual Resources**

The aesthetic character of the Project Site will change as a result of the introduction of three warehouse buildings. In particular, the Project will likely be visible from locations to the south of the site as a result of Buildings 2 and 3 being located in areas previously undisturbed and/or without buildings. Visibility of the proposed buildings would be from Old Mill Road, limited locations along Hemion Road, and from adjoining properties to the south of the Project Site especially during off-leaf locations. The Project Site would be less visible from adjoining properties during spring, summer, and fall months when leaves are on the trees. The Project would also maintain a portion of the wooded area along the southerly property boundary that would help screen the proposed buildings.

The landscape plan has been developed to include a mix of evergreen and deciduous trees and shrubs to soften views to the Project Site. While the Project will result in the removal of 534 trees primarily located within the Suffern portion of the project site, the Applicant will implement a landscaping mitigation plan to add 724 native trees and 154 native shrubs, although they will be located mostly around the wetland area for mitigation. The Applicant is not introducing additional significant screening to the south of Buildings 2 and 3. The Applicant will reach out to the owners of Esther Gitlow Towers and Tagaste Monastery, and will provide landscape planting of a hearty, fast-growing evergreen species off site, at the rear of Esther Gitlow Towers, Suffern Library and Tagaste Monastery property to reduce visibility and impacts of Buildings 1, 2 and 3. This will be detailed during final site plan review. Otherwise, the Planning Board did not determine that the removal of vegetation and proximity of buildings to the railroad right-of-way represents a significant adverse impact that needs to be mitigated.

Site lighting will include the use of downward directed, fully shielded light fixtures and the intensity of candle lumens will be less than 0.1 at the property line and 0 at all sensitive receptors. Dark sky compliant lighting will be used, and Kelvin values limited to no more than 3000 Kelvin. Light fixtures on the building or on poles shall not exceed 25 feet.

**FINDING.** *The Suffern Planning Board finds that views of the Project from surrounding properties will be fairly limited to those sites south of the Project and the NYS Thruway north of the Project. The Planning Board finds that the proposed mitigation measures will avoid, minimize and mitigate the potential impacts to visual resources to the maximum extent practicable.*

### **6.13 Fiscal Impacts**

The Project Site currently generates approximately \$1.6 million in property taxes, including approximately \$72,000 in General Town taxes, \$129,000 in Rockland County taxes, \$371,000 in Village taxes, and \$978,000 for Suffern Central Schools and libraries. The Project will result in substantial tax benefits to all applicable taxing jurisdictions. A payment in lieu of taxes (PILOT) would be structured over a ten (10) year period. PILOT payment in year one is estimated to be \$1,551,049 based on the current taxes. In year two, the PILOT payment would increase to \$1,922,331 based on the improved property valuation post-construction. In years three through ten the full property taxes would have a 2 percent increase over the prior year.

The Proposed Project will generate substantial PILOT payments to the General Town, County, School/Library, and Village taxing jurisdictions, resulting in an increase over current property taxes for these taxing jurisdictions. Special districts are not subject to the PILOT and will be paid full tax payments based on the assessed value of the property. The Proposed Project would result in a net positive impact for taxing jurisdictions based on the improved property valuation post-construction. Following the ten-year PILOT period with the phased tax increases in years three through ten, standard real estate tax rates would apply resulting in estimated annual property taxes of \$6.2 million.

In addition, the Project will result in ±643 construction jobs over a two-year period. This includes 384 direct jobs, 90 indirect jobs, and 169 induced jobs. The Proposed Project would introduce ±400 full-time and 50 part-time new employees to the Project Site.

**FINDING.** *The Suffern Planning Board finds that the Project will generate significant PILOT and property taxes, sales taxes, and other fiscal benefits to the affected taxing jurisdictions. PILOT and tax payments are expected to exceed any service costs by affected taxing jurisdictions. The Planning Board finds that the Proposed Project will have no adverse fiscal impacts to affected taxing jurisdictions.*

#### **6.14 Construction Impacts**

Construction of the Proposed Project would result in temporary environmental impacts. Impacts generally associated with construction consist of noise from the operation of heavy equipment; fugitive dust and emissions from the operation of construction equipment; construction traffic relating to employee arrival/departure and material deliveries; and increased soil erosion from on-going earthwork operations.

It is anticipated that construction of the Project would take approximately 26 months to complete. It is not anticipated that blasting would be required for construction on the Project Site, and blasting has not been evaluated as part of the SEQR process. No construction equipment or vehicles will utilize connecting residential streets for ingress/egress to the Project Site. With the implementation of proposed mitigation measures detailed below, significant impacts to adjacent land uses are not anticipated.

For stormwater management and pollution prevention purposes, sediment and erosion control devices will be placed around and throughout the Project Site and would consist of:

- › Construction fence demarcating the limit of disturbance;
- › Stabilized construction entrance established along the access road to the site;
- › Delineation of a vehicle and equipment staging area with flags, tape and/or spray paint;
- › Field office trailers for the construction engineers and managers, portable toilets, and dumpsters for trash will be installed within this area, as necessary;
- › Delineation of material stockpile area with silt fencing;
- › Haybales;
- › Catch basin inlet protection;
- › Geotextile filtering bags;



- › Concrete truck washout;
- › Spill kits

These measures would be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. Therefore, erosion and sedimentation would be controlled during the construction period by temporary devices in accordance with a construction Erosion and Sediment Control (ESC) plan developed specifically for the Project Site. Erosion and sedimentation would be controlled during the construction period by temporary devices designed and installed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.

Traffic would be generated related to construction activities and equipment, routing of construction vehicles and equipment/trucking, employee arrival/departure, and construction staging and storage. The number of vehicles entering and leaving the Project Site would vary based on the stage of construction. Traffic control measures would be implemented in accordance with all state and local requirements, and construction trucks would be required to use local truck routes as designated by the Village. The development of the site will require truck trips for every operation, but the operations do not become cumulative. Truck traffic can be separated into two categories, regular deliveries and bulk deliveries which are further divided into phases which are associated with; 1) site work, 2) building superstructure construction and 3) finish work. Regular deliveries related to import of construction materials such as; drainage, water and sewer pipe, sewer and drainage structures, silt fence, trap rock, seed, and mulch during the site development phase and then rebar, building components and landscape materials in later phases. These truck trips occur regularly at scheduled times because they require careful off-loading and storage of materials. These trips do not occur multiple times in the same day.

The construction activities that generate the greatest number of daily trips typically occur over the course of a limited number of days, sometimes weeks but, as noted above, do not occur simultaneously.

Limitations on the surrounding roadway infrastructure indicate that all truck trips will travel to the site via I-287/I-87 Westbound and travel from the site via I-287/I-87 Eastbound. The trips will also be routed to/from the Project Site via Airmont Road and Lafayette Avenue due to the weight restriction along Montebello Road and the topography and set up of Montebello Road which does not allow for truck traffic given the turning radii at certain intersections. Thus, timing modifications are proposed at the intersections along the truck route that would mitigate the largest impacts to traffic operations at the intersections prior to the beginning of site construction to accommodate the increase in construction traffic. Based on the weight restrictions along Montebello Road (CR 64), the construction vehicles will be routed to the nearest quarries via Airmont Road (CR 89) and Lafayette Avenue (Route 59) to access the I-87/I-287 corridor.

Parking onsite will shift based on what phase of construction is being completed. The majority of parking will be at the perimeter of the project closest to the existing entry points on Old Mill Road and the southern access road to Hemion Road. Parking will be demarcated with signage and through communication with the project management team. Parking will remain neat and orderly. It will be plowed if necessary and kept clean of debris.

The following measures will be implemented to mitigate noise impacts during construction:

- › It is anticipated that the Project Site would contain on-site terminal tractors which would be responsible for the majority of back-up movements. Therefore, onsite trucks will be equipped with smart, ambient sensing, multi-frequency back-up alarms (Ecco Model EA9724) to address the potential risk of noise complaints from back-up alarms;
- › Stationary equipment such as generators, compressors, and office trailers will be placed away from potentially noise sensitive receptors;
- › Heavy equipment will operate during non-noise-sensitive daytime hours and will follow allowable Village construction hours as applicable;
- › Whenever possible, the number of equipment operating near one receptor at a given time will be limited;
- › Exposing any one receptor to high sound levels for an extended period of time will be avoided;
- › Construction parking or laydown areas will be located away from residential areas and sensitive noise receptors;
- › Coordinate any high sound level construction activities with Village representatives and provide advance notice to residences; and



## 7.0 CERTIFICATION TO APPROVE, FUND, OR UNDERTAKE

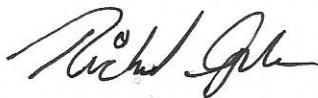
Having considered the Draft and Final Environmental Impact Statements, public comments made during the public hearings and the public comment period on the EIS, and having considered the preceding written facts and conclusions and specific findings relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The Planning Board has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final Environmental Impact Statements; and
2. The Planning Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations; and
3. The requirements of 6 NYCRR Part 617 have been met; and
4. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable and either as proposed by the Applicant or as required by the Planning Board all as set forth in these Findings.

These findings, and all actions set forth herein, shall be incorporated in any further approvals related to the Project and shall be deemed a part of any approvals given to the Project. These findings shall be filed with the Village of Suffern Planning Board; all Involved and Interested Agencies as identified in the EIS, any person who has requested a copy, and the Applicant. A copy of the Findings shall be forwarded to and maintained by the Village Clerk of the Village of Suffern such that they are readily accessible to the public and made available on request.

**Dated:** December 14, 2023

On Behalf of the Village of Suffern Planning Board

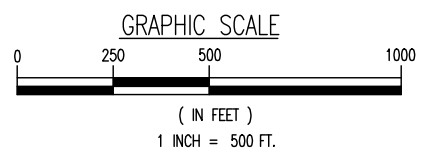
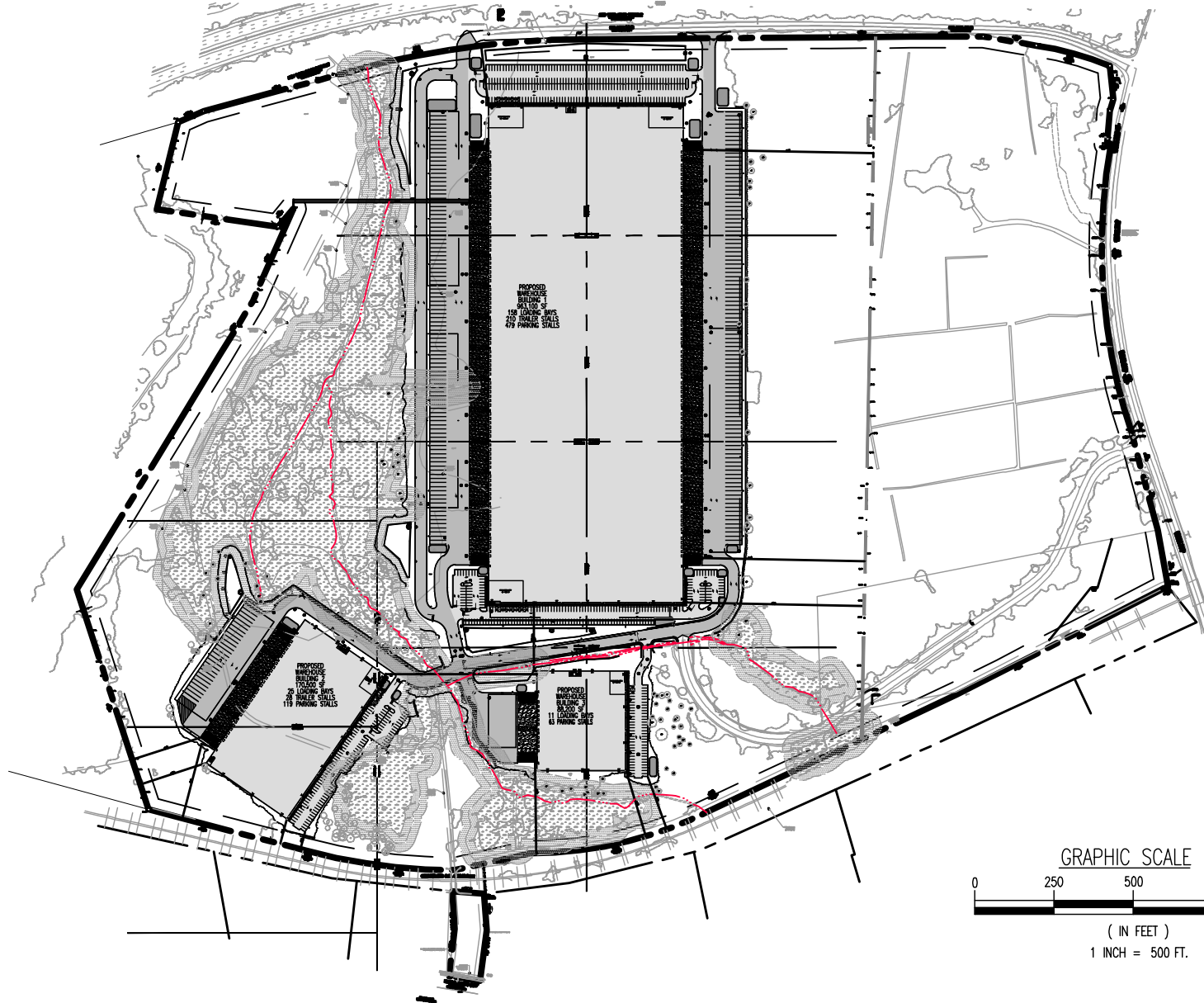


Richard Gandon, Chairman

Dec. 14, 2023

Date





- GENERAL NOTES:**
- THIS PLAN HAS BEEN PREPARED BASED ON REFERENCES INCLUDING:  
 ALTA/NSPS LAND TITLE SURVEY  
 DYNAMIC ENGINEERING CONSULTANTS, LLC  
 1904 MAIN STREET  
 LAKE COMO, NJ 07719  
 SURVEYOR FILE NO. 3709-99-004S DATED: 01/26/2022
  - APPLICANT: IV2 ROCKLAND LOGISTICS, LLC  
 BROOKFIELD PLAZA, 250 VESSY STREET, 15TH FLOOR  
 NEW YORK, NY 10001
  - OWNER: NEWCO SUFFERN HOLDINGS, LLC  
 600 FRANK W. BLISS BOULEVARD, #47  
 ROCKLAND, NY 07866
  - PARCEL DATA: SECTION 55.22, BLOCK 1, LOT 1  
 SECTION 55.37, BLOCK 1, LOT 31  
 VILLAGE OF SUFFERN  
 ROCKLAND COUNTY, NY
  - ZONE: ZONE PL1 (PLANNED LIGHT INDUSTRIAL ZONE) - VILLAGE OF SUFFERN
  - EXISTING USE: NOVARTIS PHARMACEUTICAL CORPORATION/SUFFERN INDUSTRIAL PARK (PERMITTED USE) (§ 266-ATTACHMENT 4) - VILLAGE OF SUFFERN
  - PROPOSED USE: WHOLESALE/WAREHOUSING DISTRIBUTION (PERMITTED USE) (§ 266-ATTACHMENT 4)
  - SCHOOL DISTRICT: SUFFERN CENTRAL SCHOOL DISTRICT
  - WATER SUPPLY: VILLAGE OF SUFFERN WATER DEPARTMENT
  - SCHEDULE OF ZONING REQUIREMENTS (§ 266-ATTACHMENT 6)

VILLAGE OF SUFFERN			
ZONE REQUIREMENT	ZONE PL1	EXISTING	PROPOSED
MINIMUM LOT AREA	40,000 SF	5,441,754 SF (124.93 AC)	5,441,754 SF (124.93 AC)
MINIMUM LOT WIDTH	100 FT	1,825.7 FT	1,825.7 FT
MINIMUM FRONT YARD SETBACK	35 FT	101.5 FT	192.4 FT
MINIMUM REAR YARD SETBACK	40 FT	237.9 FT	81.7 FT
MINIMUM SIDE YARD SETBACK (EACH)	40 FT	411.0 FT	218.2 FT
MINIMUM SIDE YARD SETBACK (COMBINED)	80 FT	1,145.3 FT	789.3 FT
MAXIMUM BUILDING HEIGHT	3 STORES/40 FT	> 40 FT (8)	46.16 FT
MAXIMUM DEVELOPMENT COVERAGE	80%	16.7% (910,634 SF)	54.5% (2,299,877 SF) *

N/S: NO STANDARD N/A: NOT APPLICABLE (E): EXISTING NON-CONFORMANCE (V): VARIANCE \*R: REFER TO DEVELOPMENT COVERAGE CHART  
 (1) ON CONTIGUOUS PARCELS OF LAND UNDER SINGLE OWNERSHIP CONSISTING OF AT LEAST 100 ACRES DESIGNATED FOR DEVELOPMENT AS A UNIT AS A PART OF AN APPLICATION FOR DEVELOPMENT APPROVAL, THE MAXIMUM HEIGHT OF ANY BUILDING SHALL BE 110 FEET, EXCLUSIVE OF PERMITTED HEIGHT EXCEPTIONS AS SET FORTH IN § 266-15J HEREOF. IN THE EVENT THAT AN APPLICATION SHALL PROPOSE A PLAN OF DEVELOPMENT EXCEEDING APPROVAL OF A BUILDING IN EXCESS OF 40 FEET, THE REQUIRED BUILDING SETBACKS AS SET FORTH IN § 266-23 SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS: (§ 266-21.1A)  
 - IF THE BUILDING HEIGHT OF THE PROPOSED BUILDING SHALL BE GREATER THAN 40 FEET, THE REQUIRED BUILDING SETBACK SHALL BE EQUAL TO 125% OF THE HEIGHT OF THE BUILDING TO A BUILDING HEIGHT OF 65 FEET.  
 - IF THE BUILDING HEIGHT OF THE PROPOSED BUILDING SHALL BE GREATER THAN 65 FEET, THE REQUIRED BUILDING SETBACK SHALL BE EQUAL TO 150% OF THE HEIGHT OF THE BUILDING TO A BUILDING HEIGHT OF 90 FEET.  
 - IF THE BUILDING HEIGHT OF THE PROPOSED BUILDING SHALL BE GREATER THAN 90 FEET, THE REQUIRED BUILDING SETBACK SHALL BE EQUAL TO 200% OF THE HEIGHT OF THE BUILDING TO A BUILDING HEIGHT OF 110 FEET.

VILLAGE OF MONTICELLO			
ZONE REQUIREMENT	ZONE PL-C - VILLAGE OF MONTICELLO	EXISTING	PROPOSED
MINIMUM LOT AREA	60,000 SF	1,591,570.15 SF (36.54 AC)	1,591,570.15 SF (36.54 AC)
MINIMUM LOT WIDTH	150 FT	731.85 FT	731.85 FT
MINIMUM FRONT YARD SETBACK	75 FT	N/A	N/A
MINIMUM REAR YARD SETBACK	50 FT	N/A	N/A
MINIMUM SIDE YARD SETBACK (EACH)	50 FT	N/A	N/A
MINIMUM SIDE YARD SETBACK (COMBINED)	100 FT	N/A	N/A
MINIMUM STREET FRONTAGE	100 FT	1,670.49 FT (HEMION ROAD) 750.82 FT (OLD MILL ROAD)	1,670.49 FT (HEMION ROAD) 750.82 FT (OLD MILL ROAD)
MAXIMUM BUILDING HEIGHT	45 FT (1)	N/A	N/A
MAXIMUM DEVELOPMENT COVERAGE	60%	97.1% (46,812.86 SF)	97.1% (46,812.86 SF)
MAXIMUM FLOOR AREA RATIO	0.30	N/A	N/A

N/S: NO STANDARD N/A: NOT APPLICABLE (E): EXISTING NON-CONFORMANCE (V): VARIANCE  
 (1) THE PLANNING BOARD, AT ITS DISCRETION, MAY MODIFY THE PERMITTED HEIGHT LIMITATIONS TO ALLOW A MAXIMUM BUILDING HEIGHT OF 60 FEET BASED ON CONSIDERATION OF THE FOLLOWING: VISIBILITY OF ANY BUILDING ALONG THE ENTIRE LENGTH OF HEMION ROAD; THE RELATIONSHIP OF THE PROPOSED BUILDING HEIGHT TO THE TREE LINE ON TOP OF THE RIDGE CONTAINED WITHIN THIS DISTRICT; USE OF THE SLOPING CHARACTER OF THE SITE TO MINIMIZE THE APPEARANCE OF BUILDINGS AND THEIR MASSING (I.E., TERRAIN ADAPTIVE DESIGN); AND THE EFFECT OF ANY ADDITIONAL FLOOR AREA ON TRAFFIC, PARKING AND INFRASTRUCTURE. THE FOREGOING PROVISION SHALL NOT APPLY TO BUILDINGS INTENDED FOR MANUFACTURING USES. (§ 195-27)

SUFFERN DEVELOPMENT COVERAGE			
DEDUCTION TYPE	TOTAL AREA (AC)	EXCLUSION FACTOR (%)	TOTAL AREA EXCLUDED (AC)
WETLANDS	15.678	50%	7.839
WATER BODIES	1.841	50%	0.921
WATERCOURSES	1.789	50%	0.895
100 - YEAR FLOOD PLAIN AREA	10.682	50%	5.331
STEEP SLOPES (20% - 50%)	20.508	50%	10.254
STEEP SLOPES (> 50%)	2.673	100%	2.673
ROCK OUTCROPS	0	50%	0
UTILITY ROW AND DESIGNATED STREET	0	50%	0
<b>TOTAL DEDUCTIONS</b>			<b>28.003</b>
GROSS LOT AREA	124.926 AC	MAX DEVELOPMENT COVERAGE PERMITTED: 80%	GROSS DEVELOPMENT COVERAGE PERMITTED: 99.8 AC
		NET LOT AREA WITH EXCLUSIONS ACCOUNTED FOR: 96.8 AC	NET DEVELOPMENT COVERAGE PERMITTED: 77.5 AC
		PROPOSED DEVELOPMENT COVERAGE - GROSS: 52.79 AC (42.3%)	PROPOSED DEVELOPMENT COVERAGE - NET: 52.79 AC (54.5%)

REV. 3	05/24/23	REV. PER ACOE COMMENTS	CAM/GMC
Rev.	Date	Comments	By

THIS PLAN SET IS FOR PERMITTING PURPOSES ONLY AND MAY NOT BE USED FOR CONSTRUCTION

SCALE: (H) 1"=500'  
(V)

SHEET No: **1**  
OF 1

JOB No: 3709-99-004

DRAWN BY: CAM  
DESIGNED BY: JMS  
CHECKED BY: JMS

DATE: 12/17/2021

TITLE: **OVERALL SITE PLAN**

PROJECT: **IV2 ROCKLAND LOGISTICS, LLC**  
**PROPOSED INDUSTRIAL PARK AT 25 OLD MILL ROAD**  
 SECTION 55.22 BLOCK 1, LOT 1; SECTION 55.37, BLOCK 1, LOT 31  
 OLD MILL ROAD AND HEMION ROAD (CR 9.3)  
 VILLAGE OF SUFFERN, ROCKLAND COUNTY, NEW YORK

Rev. # 3      DEC Client Code: 3709-99-004

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