

[Extraction of Ball Rock Shelter sections of the full document]

Warwick Meadows: Phase IV

Amended Site Plan Application

Expanded EAF & SEQRA Narrative



Residential Condominium Development

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Warwick Meadows: Phase IV

Expanded Environmental Assessment Form and Narrative State Environmental Quality Review Act (“SEQRA”)

Evaluation of Potential Environmental Impacts

September 25, 2020

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approximately $\frac{1}{2}$ acres lots located along Ridgefield Drive. Other nearby residential development includes larger single family lots to the south and across Brady Road as well as single family homes on approximately $\frac{1}{4}$ acre lots. **See Exhibit C [Aerial Imagery of Project Site].**

On the Project Site, aesthetic and architectural considerations for the Project will be addressed through a proposed building design intended to be respective of the existing community character and local architectural styles. **See Exhibit B [Architectural Renderings].** The proposed Project will contain a high-quality architectural design, which embraces a modern day design and represents an upgrade from the 2012 design. In addition, appropriate landscaping will be installed to provide screening and buffering on all sides, including trees, shrubs, ground cover plantings and ornamental grasses to help soften any aesthetic impacts from the Project. **See Exhibit B [Site Plans].**

Compared to the 2012 Approved Site Plan, the Project has a reduction of units and increased setbacks to ensure that appropriate buffering is provided for the neighbors. The Project differs from the 2012 Approved Site Plan in the following ways:

- 1) A reduction in 26 dwelling units;
- 2) A reduction in 1 residential dwelling building; and
- 3) Increased setbacks on the northern and eastern side yards to buffer the development of existing single-family homes.

The 2010 Amended SEQRA Findings stated that, “[t]he present layout for the project is substantially the same as the one approved in 1986 and referenced in the 1986 FEIS. As such the layout is not a current concern.” **See Exhibit A, 2010 Amended SEQRA Findings, Section XII.** Accordingly, because the changes proposed by the Project are designed to mitigate visual impacts (reduction in units and buildings, increased set-backs and high quality architecture) the proposed changes are consistent with the 2010 Amended SEQRA Findings and no potentially significant environmental impacts will occur.

Based on the foregoing, and after a review of the Project changes compared to the 2012 Approved Site Plan, the Project is not anticipated to have any significant adverse impacts on aesthetic resources. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on aesthetic resources.

10. Impact on Historic and Archeological Resources

It is not anticipated that the Project will impair the character or quality of any important historical and/or archaeological resources. No historic buildings or sites listed on the State or National Registers of Historic Places are located on or near the Project Site. The Project Site is not located in or adjacent to an historic district.

The original EIS reviewed the Project Site for historical and archeological impacts and found that none existed. **See Exhibit O [1985 EIS Historical and Archeological Section].** The EIS identified the Village as an area of historic Native American significance and identified an “Indian Cave” with artifacts being the only potential impact. However, the EIS concludes that “[t]he cave is located south of the subject property, on line with the boundary line of the MR and R-1 zones of the subject parcels, and located a few hundred feet from the property line on a steep ridge overlooking the applicant’s property.” **See Exhibit O [1985 EIS Historical and Archeological Section, p. 92].** Further, “[i]t should be clarified at this point that the “Indian Cave” does not reside on the subject site. Rather, it is on property still owned by the Ball family.” **See Exhibit O [1985 EIS Historical and Archeological Section, p. 93].** Considering that there was no archeological impact found in this initial SEQRA review and the fact that archeological artifacts do not move significantly as time progresses, it can be expected that the Project will have no impacts on cultural resources. Nevertheless, the Applicant has asked the NYS Historic Preservation Office (“SHPO”) to review the Project for any potential impacts to cultural resources. The Applicant is awaiting feedback from SHPO in this regard.

Based on the foregoing, and after a review of the Project changes compared to the 2012 Approved Site Plan, the Project is not anticipated to have any significant adverse impacts on historic and archeological resources. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on aesthetic resources

11. Impact on Open Space and Recreation

The Project will not result in any loss of recreational opportunities or any reduction of open space as designated in a governmental open space or recreational plan. The Project Site is privately owned and is not used for public recreation. While the Project will result in the loss of 5.55 acres of vacant land, it will also preserve 9.75 acres of open space consisting of a stream corridor and federal wetlands. This open space is distributed throughout the property and can be utilized as a recreational resource by residents of the Project. The minimal loss of vacant land for the Project is not considered significant or adverse. The Project also proposes a club house with pool which will provide recreational amenities to residents in the Project.

Based on the foregoing, and after a review of the Project changes compared to the 2012 Approved Site Plan, the Project is not anticipated to have any significant adverse impacts on open space and recreation. Further, there has been no newly discovered information or changes in circumstances related to the Project Site that would result in any significant adverse impacts on open space and recreation.

12. Impact on Critical Environmental Areas

The Project will not have any impacts on any critical environmental areas (CEAs) designated by NYSDEC because the Site does not contain any CEAs. Nor are any CEAs located adjacent to or nearby the Project Site.

EXHIBIT O

HISTORY AND ARCHAEOLOGY OF WARWICK AND RELATED POTENTIAL IMPACTS

In order to gain some insight into the history and potential archaeological interests on the site and area in general, the following references are cited.

Review of the book entitled "People of the Valleys - A History of the Valleys of the Town of Warwick, New York, 1700-1976", written by Richard W. Hull, Ph.D. who at the time of publication was an Associate Professor of History at New York University. The book was published in 1975 by the Historical Society of the Town of Warwick.

Excerpts from "An Outline History of Orange County" by Samuel W. Eager, Esq., and published by T. Emmett Henderson, Middletown, New York.

Review of "The Indians of Northeastern America" by Karna L. Bjorklund, published in 1969 by Dodd, Mead & Company, New York

Review of an article published in 1934 in the Warwick Advertiser related to the "Indian Cave" on the Ball Farm site.

A site visitation on the applicant's property, and on Ball farm property at the site of the "Indian Cave" with George and Bob Ball and the applicant on Thursday, June 13, 1985.

Review of general criteria regarding archaeological sites of value.

Review of March, 1985 issue of "Warwick Roots", a publication of the Historical Society of the Town of Warwick.

Comments from Florence Tate, a member of the Historical Society

Findings related to the above are presented below:

By far, the most comprehensive book on the Village of Warwick is that produced by Mr. Richard W. Hull. Because of time limitations by this author, the review was concentrated in areas related to the subject site. However, in my opinion, it should be a "must" book to read for all the rich cultural history that the Village and Town of Warwick has.

Because of the Village interests in the subject area related to Indian settlements thereon, extracts from the book area given below which relate to this issue:

FROM CHAPTER 1 - THE EARLIEST SETTLERS

"Settlements were scattered, the one best known to whites flourished at the southern edge of Warwick Village between the old Ball and Welling farms near Galloway Road. The settlement, known as Mistucky, was led by Chuckhass at the time of white contact". (page 1)

"Other Indian Communities thrived in the foothills of Sugar Loaf Mountain, on the banks of Longhouse Creek in Bellvale, near the Warwick Village reservoir" (page 1)

"These Indians were called "Mensis", a word which means "many islands". They were supposedly a branch of the Leni Lenapes who were associated with the great Algonquin nation . . ." (page 1)

"It is therefore likely that the Minsi or Minisink peoples were strongly influenced by Algonquin culture." (page 2)

"Indians of Warwick's valleys gained their livelihood mainly from hunting and fishing. However, they also cultivated small gardens . . ." (page 2)

"In the valley, most Indians lived in wigwams. However, on hunting expeditions, nights were spent in rock shelters, the habitations of their ancestors. Rock shelters are scattered throughout the valleys and may be still seen today." (page 2)

In 1701, "Dr. John Bridges, another wealthy land speculator, and six associates . . . hastily bribed 12 local Indian chiefs, including Chuckhass, into signing away their ancestral lands for a paltry nine pounds New York money (about \$350, a few kegs of whiskey, some cloth and trinkets)." (page 3)

"The Indians lost title to lands that had belonged to them for at least twelve thousand years." (page 3)

"In about 1746, Col. Beardsley bought land from Aske and laid out the present Village of Warwick." (page 5)

"However, the area does not seem to have been settled until about 1764 with the erection of the "Shingle House" by Daniel Burt and two years later a Stone tavern by Francis Baird. Together with

the Staats house (Editor's Note: built in 1700, it is the oldest house in Orange County and still commands a ridge off Four Corners Road on the property of David Hull) these structures survive today." (page 6)

"Those Indians who returned to their communities found them lying in the farms of the settlers, such as the old Mistucky Village which has become part of the old Welling farm". (page 7)

"In 1755 in the French and Indian War, . . . a large blockhouse was built across from what is today the County Park on Route 17A. And new settlers dug the foundations of their homes over natural springs to ensure an internal water supply in the event of siege." (page 8)

"The last Indian settlement on record in the valley (1781) is a cluster of five wigwams on the lawn of what is today the residence of Mr. and Mrs. Isham Martin on Colonial Avenue in the Village of Warwick." (page 8)

In Bjorklund's book and in relating to Indians of the Northeast (on page 39), she states "The Algonquins, migratory hunters and fishermen, were the original inhabitants of the region."

Eager indicated (on page 429) that the "Village gave name to the town and those who originally bestowed it, doubtless were from Warwickshire, England."

A review of the March, 1985 publication of "Warwick Roots" indicates that Warwick Village Historic District, which extends south as far as South Street Extension and Route 17A, was listed on the State Register of Historic Places on July 18, 1984 and on the National Register of Historic Places on September 7, 1984. Further, a review of the publication, and its many interesting articles and calendar of events clearly demonstrates the rightful and commendable pride of many of the Villagers of Warwick in its history and culture.

Regarding historical and archaeological aspects as they relate to the subject site and vicinity, Florence Tate, a member of the Historical Society, provided information that Indian burial grounds were believed to be located on the Welling farm below the reservoir on Southern Lane and extending to the Ball farm.

Regarding the site specific information, George and Bob Ball, owners of the Ball farm, which formerly included the subject site as well, were extremely helpful in providing an historic perspective of the site and the "Indian Cave" which is still on the Ball farm property.

The farm has been owned and operated by the Ball family since 1853. During that period, the family has farmed the land to produce hay and grain. In addition, until 10 years ago, the Ball's were also involved with dairy farming, including the raising of cattle. The hayfields, which constitutes the major farming element today, are turned over to a depth of 9 to 10 inches each year, which represents disturbances to the site. The Ball's also indicated that the owners of the land prior to 1853 also farmed the land.

The Ball's also provided a site vist to the so-called "Indian Cave" on their property. The cave is located south of the subject property, on line with the boundary line of the MR and R-1 zones of the subject parcels, and located a few hundred feet from the property line on a steep ridge overlooking the applicant's property. Although the cave has openings, it appeared unsafe to venture into it what with the small openings involved, and the changes thereto that have occurred from the last time the Ball's visited the site.

Regarding the above, the Ball brothers presented an article (which is provided in the appendiz) which was published in the Warwick Advertiser in 1934 regarding the exploration of the cave on the Ball farm site on August 23, 1934 by Messrs. Donovan, Middlebrook and Philhower. Their findings indicated the following:

In previous diggings in the floor of the Indian Cave, Mr. Donovan found a few arrowheads and a few flakes of flint.

There were two rooms in the rockhouse; one of the rooms showed considerabel evidence of having been occupied whereas the other showed no evidence of its ever having been occupied.

The occupied area had a fireplace, 250 pieces of five different clay pots were unearthed, and the latter indicated pottery of the earliest Algonkin type.

About the hearth were found bones of many small animals that had been broken for the marrow.

A human tooth and three phalanges of an adult's foot were taken from the cave dirt.

Five arrowheads and a great many flint flakes were found on the floor of the cave.

The absence of objects of hisdторic times indicate that the period of occupancy was prior to the early settlement of the region.

The age of the pottery might have been used by caveman occupants during the earliest Algonkin period which would set a possible date of 900 a.d.

The potter is a certain index of home life, hence, for a brief period at least, "The Indian Cave" was the home of primitive man in Wallkill Valley, probably Lenape Munsee or the Wolf Tribe of the Delawares.

In piecing the information above from all sources, one could speculate that the Minsis Indians, a branch of the Leni Lenapes and the Algonquin nation, who were known migratory hunters and fishermen, probably used the rock shelter cave for hunting purposes and perhaps for periods of residence (during cold periods). The site, before farmed would have been a location for hunting purposes. Further, historically, most remains of Indian Settlements have been found near water courses and at confluences of water courses. As such, one would expect that settlements in the area would have been likely in the Mistucky Brook and reservoir area, with hunting expeditions confined to the uplands.

It should be clarified at this point that the "Indian Cave" does not reside on the subject site. Rather, it is on property still owned by the Ball family. Further, since the cave and its artifacts were removed and disturbed over 50 years ago, the question of the integrity of the site is an issue regarding historic significance. As Professor Hull cited in his book, "Indian communities thrived near the Warwick Village reservoir", and "Rock shelters are scattered throughout the valleys and may still be seen today."

Based on the above, there would appear to be many Indian caves in the region.

Whether the subject cave is of a value to be considered for nomination to the State and/or National Historic Register is also conjectured at this writing.

Under the Executive Branch of the National Advisory Council, Executive Order 11953 developed the National Historic Preservation Act on December 12, 1980 (Public Law 96-515).

Under 36 CFR Section 8-800 published in the Federal Register are provided criteria for eligibility or potential eligibility for nomination to the National Register. These criteria include the following:

The building, site, etc. is associated with events that contributed significantly to our history.

The building, site, etc. embodies distinct (unique) characteristics of a period of history or a method of construction or work of a master or possesses high artistic value.

The building, site, etc. has yielded information important (Editor's Note: Key debatable word) to history (documentation available) or pre-history (no written documentation available).

In order to determine eligibility, an archaeologist would have to determine the presence or absence of historic sites, the integrity of the site (context and associations), and provide a legal case to preserve the site if it is significant.

Obviously, the above procedure is time-consuming and expensive. If the Village deemed the cave worthy of such undertaking, arrangements would have to be made for financing the project and permission would be needed from the Ball brothers (who own the property) to conduct such an investigation.