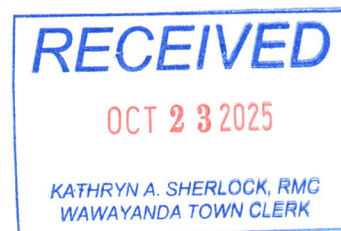


Town of Wawayanda Planning Board

**Special Use Permits Findings
for Project Bluebird**

October 22, 2025



Scannell Properties #600, LLC (“Scannell” or the “Applicant”) has submitted amended Special Use Permit and Site Plan applications (the “Applications”) to the Town of Wawayanda Planning Board (the “Planning Board”) for the redevelopment of an active mine site with a 5-story, ±3.2 million square foot (“SF”) e-commerce logistics, storage and distribution facility (the “Project” or “Project Bluebird”) on lands between U.S. Route 6 (“Route 6”) and U.S. Interstate I-84 (“I-84”) comprising approximately 108.4 acres in the Town of Wawayanda (the “Town”), Orange County, New York (the “Site” or the “Project Site”). Project Bluebird will include a Service Driveway and will eventually be served by a new electric substation (the “Substation”) to be separately owned and operated by Orange & Rockland Utilities, Inc. The Project will be built in the Town’s Mixed Commercial (“MC-1”) zoning district, where Project Bluebird is an allowed industrial use (as a warehouse, storage and distribution facility).

Access to and from the Project Site will be from a shared Service Driveway at a signalized intersection with Route 6 approximately 2/3 of a mile to the east of McBride Road. The current access to McBride Road and Route 6 used by truck traffic and other vehicles from the mining operations on the Project Site will be eliminated except for emergency vehicle access. From the new Service Driveway intersection, 90% of Project traffic is expected to travel on Route 6 to and from I-84, located approximately 2 miles away from the intersection of the Service Driveway and Route 6. Little traffic is expected to travel on local roads.

The Project is shown on site plans prepared by Langan Engineering and Environmental Services, Inc. and last revised April 9, 2025 (except for Drawing No. CS100, with a last revised date of July 23, 2025) (collectively, the “Site Plans”).

Project Bluebird is proposed as an amendment to Special Use Permit and Site Plan approvals granted by the Planning Board for the Slate Hill Commerce Center (“SHCC”) on the Project Site in December 2022. SHCC was approved by the Planning Board as a warehouse, storage and distribution facility with a ±925,000 SF footprint. In addition to the amended Special Use Permit sought for Project Bluebird to be used as a warehouse, storage and distribution facility use, on July 30, 2025 (after the Planning Board’s June 11, 2025 Negative Declaration) Scannell amended its pending Special Use Permit application to the Planning Board to include in its application a proposal for a Special Use Permit for a height exception pursuant to Zoning Law § 195-13(B) for the proposed ±96.21’ height of the Project’s building, requiring a ±31.21’ exception from the 65’ height restriction provided by the Zoning Law for buildings in the MC-1 zoning district.

For its review of Scannell’s applications for Special Use Permits (for both the warehouse use and the height exceptions), the Town of Wawayanda Zoning Law (the “Zoning Law”) requires the Planning Board to consider certain criteria. These criteria serve to guide the Planning Board’s

discretionary review of Special Use Permit applications and provide the basis for findings with respect to those criteria. In order to grant Project Bluebird's amended Special Use Permit application for a height exception, Zoning Law § 195-13(B) requires the Planning Board to make two specific findings (discussed below). For both Special Use Permits sought by Scannell, Zoning Law § 195-76 provides the criteria that the Planning Board must consider in deciding whether to approve, approve with modifications, or disapprove those applications.

On or about June 11, 2025, the Planning Board, acting as lead agency, adopted a SEQRA Negative Declaration for Project Bluebird (the "Negative Declaration"), which is incorporated herein by reference. As required by SEQRA, the Negative Declaration took a hard look at potential significant adverse environmental impacts from the Project and concluded that the Project would not result in any significant adverse environmental impacts, including impacts related to the height of the Project's building. The Negative Declaration also found that Project Bluebird's impacts were substantially consistent with those of SHCC. The Planning Board's findings in the Negative Declaration overlap with and support findings that Project Bluebird satisfies the Special Use Permit review criteria provided by Zoning Law § 195-76, as well as the findings required for Planning Board approval of a height exception as a special use pursuant to Zoning Law § 195-13(B).

As part of its SEQRA review of the Project, the Planning Board has also considered the potential for impacts related to Scannell's application for a Special Use Permit for a height exception pursuant to Zoning Law § 195-13(B). No changes to the Project have occurred since the issuance of the Negative Declaration and the potential impacts of the height of the building, particularly visual impacts, were thoroughly considered by the Planning Board in the Negative Declaration. While SEQRA does not require an exhaustive evaluation of every conceivable impact from a proposed action, the Planning Board's Negative Declaration included a conclusion that the Project's state-of-the art fire suppression system will limit the burden on the Wawayanda Fire Company. This assessment is further supported by the decision of the New York State Department of State ("NYSDOS"), the state agency charged with the administration of the Uniform Fire Prevention and Building Code, approving the Project's fire safety design. It is also supported by the extensive information provided by the Applicant's Fire Engineer detailing the Project's fire safety design measures and explaining how the potential fire risks of the lithium-ion battery-powered robotics in the building will be minimized. Finally, this conclusion is supported by the expertise and expert opinion of the local Fire Chief, who is familiar with the Project's safety design and fighting fires involving lithium-ion batteries and has stated that local fire-fighting capacity will not be impacted by the Project. Accordingly, Scannell's request for a height exception is fully consistent with the adopted Negative Declaration and the Planning's Board's prior SEQRA review for the Project.

Further, in its Special Use Permit and Site Plan approval resolution approving SHCC as a warehouse use, the Planning Board had found that SHCC satisfied the Town of Wawayanda's Special Use Permit review criteria set forth in Zoning Law § 195-76. This finding for SHCC supports findings that Project Bluebird also satisfies the review criteria provided in Zoning Law § 196-76, based upon the Project's consistency with SHCC as reflected in the Applications and the Negative Declaration.

Public comments during and after the public hearings on the Project advocated that the Planning Board should deny the Project's Special Use Permit application as it had recently done for another warehouse, storage and distribution facility ("RDM #7). In its September 24, 2025 response to public comments, the Applicant for the Project provided a chart distinguishing the two projects based upon the findings made by the Planning Board in the Negative Declaration for the Project and the Board's denial of a Special Use Permit for RDM #7. This comparison of the Planning Board's findings showed that there are significant differences between the two projects, including that RDM #7 would be built on vacant land immediately adjacent to a residential neighborhood. The Planning Board agrees with the Applicant's September 24, 2025 assessment and incorporates the Applicant's chart from that letter into these findings by reference. Overall, the Planning Board's decision for RDM #7 is wholly inapplicable and not relevant to the Project.

For these reasons and those provided below and based upon the Applications, the Negative Declaration, the prior SHCC approval, and the public hearings held on the Applications, the Planning Board makes the following findings for Project Bluebird with respect to the Special Use Permit criteria provided by Zoning Law §§ 195-13(B) and 195-76.

Application for a Height Exception Pursuant to Zoning Law § 195-13(B)

Pursuant to Zoning Law § 195-13(B) and Article III of the Zoning Law, on July 30, 2025 Scannell submitted an amended application for a Special Use Permit for a height exception for Project Bluebird's proposed building. Zoning Law § 195-13(B) provides "permitted exceptions" from the Zoning Law's height restrictions for certain non-inhabited and other structures and expressly provides:

"Permitted exceptions. Height limitations stipulated elsewhere in this chapter shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, chimneys, smokestacks, flagpoles, farm buildings or similar noninhabited structures under 100 feet in height. Radio and transmission towers shall be subject to the requirements of § 195-40 of this chapter. Noninhabited structures over 100 feet in height may be permitted as special uses, provided they are sufficiently set back from adjoining properties to avoid any safety hazard connected therewith and meet all state and federal air safety and electronic communications standards. *Other height exceptions may be granted as special uses where fire-fighting capacity will not be threatened and buffers and setbacks are also proportionally greater.*"¹

Scannell's application for a height exception was submitted to the Planning Board after the Town of Wawayanda Zoning Board of Appeals ("ZBA") denied an area variance for the height of the building pursuant to separate authority and standards provided by the Zoning Law and NYS Town Law. Based upon the plain reading of Zoning Law § 195-13(B), the Planning Board accepted

¹ Section 195-13(B) of the Zoning Law authorizes the Planning Board to grant two different Special Use Permits allowing exceptions to the Zoning Law's height restrictions: (1) an exception for non-inhabited structures and (2) an exception for all other structures. Both of these two different and separate Special Use Permits for different types of structures require specific, additional, but different, findings for the issuance of a Special Use Permit.

Scannell's application for a height exception and held and closed a public hearing on it on September 10, 2025.

Scannell's application for a Special Use Permit for a height exception is not a request for a "waiver" pursuant to Zoning Law § 195-69. A "waiver" is not relevant to this application. Zoning Law § 195-69 only gives the Planning Board the right to waive any of the special use permit requirements of Article VII of the Zoning Law. However, the special use permit requirements for height exceptions are provided in Article III of the Zoning Law, not Article VII. As such, the Planning Board's authority to grant a "waiver" under § 195-69 does not even apply to a special use permit for a height exception. Instead, as noted above, Scannell has applied for a Special Use Permit as expressly authorized by Zoning Law § 195-13(B), which is in Article III of the Zoning Law.

Nor is a Planning Board decision to grant the requested height exception controlled by the ZBA's denial, which was made based upon entirely different Zoning Law standards. The Planning Board's role is to apply the Zoning Law as it is plainly written, even if it leads to a different outcome from the ZBA. Under the Zoning Law as it is written, it is entirely possible for the Planning Board to grant a Special Use Permit for a height exception based on the findings required by Zoning Law §§ 195-13(B) and 195-76, even after a ZBA variance denial pursuant to Zoning Law § 195-85.

Granting the height exception to Scannell is not expected to create a precedent that results in a proliferation of applications to the Planning Board for height exceptions. The Applicant has demonstrated that Project Bluebird's operational needs are unique, requiring the taller building. The ±83-acre portion of the Project Site where the building will be located is uniquely large, making it possible for Scannell to satisfy the additional findings required by Zoning Law § 195-13(B) as discussed below.

Accordingly, the Planning Board makes the following specific findings required by Zoning Law § 195-13(B) with respect to Scannell's application for a Special Use Permit for a building height exception:

Fire-fighting Capacity will not be Threatened

Pursuant to Zoning Law § 195-13(B) for the requested building height exception, the Planning Board finds that the Project will not threaten fire-fighting capacity. This finding is based upon the Negative Declaration, which considered this issue and specifically stated that the Project's state-of-the-art fire suppression system would limit burdens on the Wawayanda Fire Company², and the letters provided to the Planning Board from the Applicant's Fire Engineer and from the Slate Hill Fire Department's Chief, Shaun Graham, as well as the testimony of Chief Graham at the September 10, 2025 public hearing. In testimony at the hearing and in his September 18, 2025 letter, Chief Graham detailed his extensive qualifications as a fire fighter, including fifteen (15) years of volunteer service in Orange County and six (6) years of professional

² The Wawayanda Fire Company, as an interested agency, consented to the Planning Board serving as SEQRA lead agency for the Project and did not indicate any concerns about impacts to the community's fire-fighting capacity from the Project.

experience as a firefighter for the New York City Fire Department. The Planning Board finds that Chief Graham's assessment that local fire-fighting capacity will not be threatened by the granting of the Special Use Permit for the height exception for Project Bluebird is credible and dispositive.

The Fire Engineer's July 28, 2025 and September 19, 2025 letters explain how the Project's design, layout and operations will comply with or exceed the requirements of the NYS Uniform Building and Fire Code and reduce any potential impact on local fire-fighting capacity. As reflected in the Fire Engineer's Letter, this will include fire-resistant construction materials for the building; a state-of-the-art fire suppression system; required building access including roof access through internal stairwells; a dedicated onsite Fire Command Center; and trained onsite fire professionals. In his testimony at the hearing, Chief Graham cited these measures, which include nine fire-enclosed stairwells to the roof of the building, as key reasons supporting his conclusion that local fire-fighting capacity will not be threatened. He also noted that his department has a 100-foot ladder vehicle, which together with the safe rooftop access provided by the stairwells, meets the department's needs for fighting any fire involving Project Bluebird's taller building.

Fire safety concerns about lithium-ion battery-powered robotics in the Project's building that were raised at the public hearing have been satisfactorily addressed prior to the issuance of the Negative Declaration and at the public hearing. Substantial information has been provided by Scannell, its Fire Engineer, and Chief Graham, who stated that he has experience in fighting lithium-ion battery fires. The Project's robotics ("Drive Units") are separate, individual machines with their own built in and self-contained battery packs to power the electric motor of each Drive Unit and, based upon the plain reading of the Zoning Law, do not constitute a "Battery Storage Energy System" ("BESS") as defined by the Uniform Code and Zoning Law § 195-40.1. which contemplate devices that are connected together to form a "system" that provides energy storage for future use.³ Unlike a BESS, the Drive Units are simply a form of individual battery-powered tools/machines (e.g., battery-powered drills, lawn mowers, automobiles) separately plugged into a power source at the facility. As such, they will be charged at the facility on individual charging stations specific to each robot and are not assembled/connected together. Each battery provides power only to its individual Drive Unit and nothing else. Battery packs are not removed for charging or at any other time but stay inside the Drive Unit. To minimize fire risk, as standard operating procedure a reduced charge will be provided to each Drive Unit. Further, according to Scannell's Fire Engineer, each Drive Unit "has an integral battery management system ("BMS") that monitors conditions like voltage, current, temperatures, state of charge, etc. If there are irregularities, the drive unit would be flagged and inspected for issues." Additionally, all of the

³ Consistent with the Uniform Code, a Battery Energy Storage System is defined in Zoning Law § 195-40.1(B) as "One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle." As noted above, the individual robot battery units are not assembled together to store energy. According to NYSEDA, unlike the Project's individual Drive Units, a BESS is a type of energy storage system, "like large-scale batteries," that stores energy drawn from the power grid during periods of low demand or extra capacity" and stores that electricity "until it's needed, such as during peak usage times, grid disturbances, or outages." See https://www.nyserda.ny.gov/All-Programs/Energy-Storage-Program/Energy-Storage-for-New-York-State?gad_source=1&gad_campaignid=22765827349&gbraid=0AAAAAD1A_kD0_6BjF8hkO7zGzgSB4KW9v&clid=CjwKCAjwr8LHBhBKEiwAy47uUhe0PN7frT5RbX8_ZbKwOb79Br2outLVRJtOz7ocqRYnrgL93bmGixoCghlQAvD_BwE The Zoning Law's BESS provisions are based upon a model law provided by NYSEDA: <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Clean-Energy-Siting/model-law.pdf>

Drive Units are inspected periodically to ensure that they are in efficient operating condition. The Applicant has stated that spare batteries for robotics will not be stored at the facility, which is a condition of these approvals, and if there are operational issues (including the need for a new battery), the individual robot is sent back to the manufacturer.

Overall, while the potential for lithium-ion battery fires exists, the risks of a major fire incident are not significant due to the small size of the individual Drive Units, the large area of the facility, the constant monitoring of the Drive Units by the BMS and all of the fire prevention and management measures designed into the Project. According to the Fire Engineer, since the batteries involved are relatively small, a fire event would likely be limited to one Drive Unit. Further, according to the Applicant's Fire Engineer, deflagration or an explosion hazard is "extremely unlikely" due to the large volume of warehouse space involved and "adequate volume of air to dilute the discharge of flammable vapors." The building's automatically-triggered smoke control system will provide additional ventilation in the event of fire incident. Finally, per the Fire Engineer, the Project's building has been designed to take these potential hazards into account for compliance with the Uniform Code, and the fire protection measures provided and described in detail by the Fire Engineer "ensure that potential fires are manageable and adequate access is provided" for fire-fighting throughout the building.

Based upon the foregoing, particularly Chief Graham's qualified professional judgment that the height of Project Bluebird's building will not "threaten" local fire-fighting capacity, the Planning Board finds that Project Bluebird will not threaten fire-fighting capacity as required for the granting of a Special Use Permit for a height exception pursuant to Zoning Law § 195-13(B).

Buffers and Setbacks are Proportionally Greater

Scannell's July 30, 2025 updated site plan and the Planning Board's SEQRA Negative Declaration demonstrate how the Project's setbacks and buffers support the issuance of a Special Use Permit for the increased height of the building. The following chart demonstrates how the Project provides setbacks that far exceed those required for this Project under the Zoning Law:

Setback Area	Minimum Required	Provided	% Increased
Front Yard	50'	1013.6'	1,927%
Rear Yard	30'	226.2'	654%
Side Yard (One Side)	15'	213.1'	1,321%
Side Yard (Both Sides)	35'	581.8'	1,562%

Comparatively, the 48% difference between the 65' height standard allowed by the Zoning Law and the 96.2' height exception sought by the Applicant is substantially less than the percentage increase of the enhanced setbacks provided by the Project.

"Buffer" is not a defined term in the Zoning Law but is defined in the Town's Land Subdivision Regulations as:

An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to continuously limit the view of, and/or sound from, the site to adjacent sites or properties.

The buffers provided for the Project and their minimization of potential sound and visual impacts are extensively documented in the Planning Board's SEQRA Negative Declaration and include the enhanced setbacks noted above, existing trees and proposed landscaping and the Project's sound walls. Additionally, the planned construction of the building in an existing mining pit at an elevation that is 30-40 feet below I-84 and the location of the Project's building between U.S. Route 6 and I-84 further serve to buffer the Project's potential sound and visual impacts.

For the foregoing reasons, the Planning Board finds that Project Bluebird's setbacks and buffers are proportionately greater as required for the granting of a Special Use Permit for a height exception for the Project's building under Zoning Law § 195-13(B).

Consideration of Special Use Review Criteria pursuant to Zoning Law § 195-76

Pursuant to Article VII of the Zoning Law, Scannell has applied to the Planning Board for two Special Use Permits as an amendment to the Special Use Permit previously granted for SHCC as a warehouse, storage and distribution facility in December 2022. First, an amended Special Use Permit is sought for Project Bluebird's proposed warehouse, storage and distribution facility use as required by Zoning Law § 195-11 and the Schedule of District Regulations for the MC-1 district. Second, pursuant to Zoning Law § 195-13(B) and Article III of the Zoning Law, a Special Use Permit is sought for the height of Project Bluebird's building as an exception to the Zoning Law's height restrictions. Scannell has not sought a waiver from the Planning Board pursuant to Zoning Law § 195-69 for any of the requirements of Article VII of the Zoning Law (or for any other provision of the Zoning Law).

Zoning Law § 195-76 requires the Planning Board to consider a number of general and specific criteria in its discretionary review of applications for Special Use Permits. After due consideration, and supported by the Applications and Negative Declaration for Project Bluebird, as well as Project Bluebird's consistency with the previously approved SHCC warehouse, storage and distribution facility, for the following reasons the Planning Board finds that Project Bluebird's applications for Special Use Permits satisfy the criteria provided in Zoning Law § 195-76:

General Criterion:

Conformity to the Town of Wawayanda Comprehensive Plan and the various other plans, laws and ordinances of the Town.

Findings:

As stated above, the Planning Board previously found that SHCC conformed with the Town of Wawayanda Comprehensive Plan and other plans, laws and ordinances of the Town. Project Bluebird, as an amendment to the SHCC approvals, is consistent with those findings and similarly conforms as discussed below. In the Negative Declaration, the Planning Board found

that “Project Bluebird will support and substantially further the goals and objectives of local community plans and will not have a significant adverse impact on them.” *See*, Consistency with Community Plans, Negative Declaration., Page 45. With respect to the Comprehensive Plan, the Negative Declaration specifically details how the Project will advance certain Comprehensive Plan Goals. *See Id.*, Pages 45-46.

Based upon the Site Plans, the Project complies with the Town of Wawayanda’s Zoning Law as the proposed warehouse, storage and distribution facility use is allowed in the MC-1 district. This evidences that the Project conforms and is consistent with the community and the area in which it is proposed for development. With the granting of a Special Use Permit for the height of the building, the Project also complies with all of the bulk and dimensional requirements of the Zoning Law. With respect to the additional findings required by Zoning Law § 195-13(B) for the Special Use Permit for the height of the Project’s building, the Project will not threaten fire-fighting capacity and provides proportionately greater buffers and setbacks than are required by the Zoning Law based upon the Site Plans and for the reasons above.

Project Bluebird’s location and proposed use are consistent with the community’s zoning goals for the MC-1 zoning district. Project Bluebird will be next to I-84 along an existing commercial/industrial corridor on a state highway and in a zoning district purposefully designated by the Town for uses like Project Bluebird. Of the lands in the Town, based on the 2018 Town of Wawayanda Comprehensive Plan, lands in the MC-1 zoning district only comprise approximately 10.3% of the Town. This land use pattern as reflected in the MC-1 district supports the goals of the Town’s Comprehensive Plan, making provision for commercial/industrial development on lands including the Project Site that will benefit the Town while maintaining the vast majority of Town lands for residential and agricultural uses and separating them from potential impacts from the Route 6 commercial/industrial corridor in the MC-1 district.

Overall, Project Bluebird will repurpose and provide a productive use for heavily disturbed lands between I-84 and Route 6. As designed, Project Bluebird is consistent with community plans for the MC-1 zoning district and will positively contribute to the character of the MC-1 zoning district along I-84 and the Town’s existing and planned Route 6 commercial/industrial corridor.

For the foregoing reasons, and consistent with SHCC and the Negative Declaration, Project Bluebird conforms with the Town of Wawayanda Comprehensive Plan and the various other plans, laws and ordinances of the Town.

General Criterion:

Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Town.

Findings:

The Planning Board previously found that SHCC satisfied this criterion for a Special Use Permit. Project Bluebird, consistent with SHCC and the Planning Board’s finding in the Negative Declaration, also adequately satisfies this review criterion by minimizing impacts on surrounding development and on the Town. This will include conserving and enhancing natural buffers around

the Site along I-84, Route 6 and McBride Road. An active mining pit will be reclaimed and permanently stabilized through the construction of the Project. Wetlands on the western portion of the Project Site will also be preserved.

The Project is an allowed use under the Zoning Law that will be located in a growing commercial/industrial zoning district in the Town, where some visibility of proposed uses similar to the Project is to be reasonably expected. While taller than the SHCC building, Project Bluebird's building will provide greater setbacks from surrounding roads and residential uses than SHCC's. Bluebird's building will be $\pm 99.8'$ feet further from McBride Road than SHCC's building, $\pm 63.3'$ further away from I-84 and a combined $\pm 153'$ further away from the side yard boundaries of the Site. Further, the floor elevation of Bluebird's building will be 30-40' below I-84, reducing its potential visual impact from Route 6, I-84 and surrounding uses. Additionally, the footprint of Project Bluebird's building will be substantially smaller than that of SHCC: The dimension of SHCC's building facing I-84 and Route 6 would be $\pm 1460'$, while Project Bluebird's comparable dimension will be $\pm 1041.7'$. Similarly, the dimension of SHCC's building facing west and towards the Project Liberty site to the east would be $\pm 620'$, as compared to the same faces of Project Bluebird's which will be $\pm 558'$.

The Project Site is uniquely situated adjacent to the wooded I-84 right-of-way and the Project's layout is purposefully oriented to be as far away as possible from the existing residential uses to the west (on McBride Road) and south (on Route 6) identified in the Applications as being within 500 feet of the Project Site. Existing trees and other vegetation on the Project Site and adjacent properties, proposed landscaping on the McBride Road side of the Site and along Route 6 that exceeds that proposed for SHCC, together with distance and topography, all combine to reduce potential adverse impacts to surrounding development and the Town. Visual impact assessment information provided by Scannell in the Applications, as well as the Planning Board's findings in the Negative Declaration, support the Project's satisfaction of this Special Use Permit review criterion.

For the foregoing reasons, Project Bluebird will limit impacts on surrounding development and on the community (as reflected in the Negative Declaration and discussed above and below) for purposes of satisfying this Special Use Permit general criterion from Zoning Law § 195-76.

General Criterion:

Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets.

Findings:

The Planning Board found that SHCC satisfied this criterion provided in Zoning Law § 195-76 and Project Bluebird is consistent with that prior finding as demonstrated by the Applications and the Traffic Impact Study ("TIS") submitted by Scannell. Further, in the Negative Declaration (See, Negative Declaration, Impact on Transportation, Page 32), the Planning Board

found that Project Bluebird will not have any significant adverse impacts on traffic on surrounding roads, including highways and local roads.

Planning Board review of Project Bluebird's Site Plans further confirms that the Project's traffic flow, circulation and parking will also ensure the safety of the public consistent with SHCC. The same Service Driveway from a signalized intersection with Route 6 will provide access to and egress from the Project Site for all passenger vehicle and truck traffic. Once on the Project Site, parking for passenger vehicles will be adequately separated from truck traffic to ensure public safety.

Overall, the TIS, which was conducted using conservative modeling methods, demonstrates that Project Bluebird is anticipated to generate substantially less truck and passenger vehicle traffic than SHCC during peak morning and evening hours on Route 6 and Route 17M, where nearly 90% of traffic from the Project Site is expected to travel. Further, the overall impact of Project Bluebird on other local roads is projected to be the same as SHCC. Specifically, the TIS evaluated (including by conducting traffic counts) the potential impact on local roads including Ridgebury Hill Road, McBride Road, Creedon Hill Road and Seward Road. These roads are the local collector roads for residential areas to the southeast and northwest of the Project Site. Based upon the TIS, no project-generated traffic is expected to use these roads.

Nevertheless, the TIS evaluated the potential traffic impacts for these roads, especially at their intersections with Route 6, and mitigation measures were recommended in the TIS to avoid/reduce impacts. NYSDOT and the Town's traffic engineers reviewed and accepted the TIS and its findings and recommendations. The Negative Declaration concluded, based on the TIS and the Town traffic engineer's acceptance, that there would be no significant adverse traffic impacts. To minimize any traffic impacts, Project Bluebird will include the traffic improvements discussed in the Negative Declaration, which go beyond those provided for SHCC.

For the foregoing reasons and consistent with the SHCC Special Use Permit findings and the Negative Declaration, Project Bluebird's potential onsite and offsite traffic impacts are consistent with or less than those of SHCC and Project Bluebird satisfies this review criterion provided in Zoning Law § 195-76.

Review Criterion – Zoning Law § 195-76(A):

Building design and location should be suitable for the use intended and compatible with natural and man-made surroundings. New buildings, for example, should generally be placed along the edges and not in the middle of open fields. They should also be sited so as to not protrude above treetops or the ridgelines of hills seen from public places and busy highways. Building color, materials and design should be adapted to surroundings as opposed to adaptation of the site to the building or the building to an arbitrary national franchise concept.

Findings:

Project Bluebird will be constructed in the MC-1 district, where some visibility of development is to be reasonably expected, as the Planning Board found in the Negative

Declaration, and will be adjacent to another approved warehouse, storage and distribution facility to its immediate east. For the reasons discussed in the Negative Declaration (*See, Negative Declaration, Impact on Aesthetics, Page 27*), Project Bluebird's design and location is suitable for the proposed warehouse use and the Project is compatible with its surroundings in the MC-1 district. The Project's building is placed along the northern edge of the Project Site, as close as possible to I-84 and as far away as possible from the existing residential uses on Route 6 and McBride Road, in an existing mining pit. Further, the floor elevation of Bluebird's building will be 30-40' below I-84, reducing its potential visual impact from Route 6, I-84 and surrounding uses. As demonstrated by the visual assessment prepared on Scannell's behalf, views of the Project's building from Route 6 and I-84 and public places will be limited by distance, topography, intervening vegetation and proposed landscaping. Views of the building from McBride Road will be screened over time by proposed coniferous landscaping. From other public places and roads, any fleeting views of the traveling public of the Project's building will be mostly backdropped by and not protrude above surrounding treelines and hillsides. Further, the proposed color, materials and design of the Project's building are suitable for the MC-1 district and are consistent with those of Project Liberty (another warehouse approved by the Planning Board to be constructed on the vacant lands to the immediate east of where the Project's building will be located). For these reasons, Project Bluebird will satisfy Zoning Law § 195-76(A).

Review Criterion – Zoning Law § 195-76(B):

Commercial facades of more than 100 feet in length should incorporate recesses and projections, such as windows, awnings and arcades, along 20% of the facade length. Variations in rooflines should be added to reduce the massive scale of these structures and add interest. All facades of such a building that are visible from adjoining streets or properties should exhibit features comparable in character to the front so as to better integrate with the community. Where such facades face adjacent residential uses, earthen berms planted with evergreen trees should be provided. Loading docks and accessory facilities should be incorporated in the building design and screened with materials comparable in quality to the principal structure. Sidewalks should be provided along the full length of any facade with a customer entrance and integrated into a system of internal landscape-defined pedestrian walkways breaking up all parking areas.

Findings:

The Planning Board previously found that SHCC, which included a much larger (although shorter) building, satisfied this review criterion, and Project Bluebird's design is substantially consistent with SHCC's. The Project's building also satisfies this review criterion, as demonstrated by the visual simulations and the elevations provided in support of the Applications. As noted above, the design of the building's facades are more representative of a high-tech R&D production facility than a warehouse, with projecting elements and recesses on all sides and projecting first-floor glass entry elements at the office area. Sidewalks are provided along the building's facade and are connected to walkways through the parking area for passenger vehicles.

Variations in the building's roof lines have been provided, along with decorative parapets that include glass clerestory windows on the north and south elevations.

The Project's building is as far away as possible from nearby residential uses and as close to the northern border of the Property along I-84 as possible. As noted above, the dimensions of Project Bluebird's building will be smaller, and, while taller than SHCC, the floor elevation of Bluebird's building will be 30-40' below I-84, reducing its visual impacts on nearby residential uses. Consistent with the Negative Declaration and the visual assessment provided by the Applicant, the combination of topography, intervening existing vegetation and distance will substantially limit the visibility of the building from nearby residential uses, I-84, Route 6 and McBride Road. Where limited views occur along McBride Road, planted landscaping over time will limit any visual impacts. Proposed landscaping for Project Bluebird exceeds that proposed for SHCC along McBride Road and Route 6 and additional landscaping was not required for SHCC in order to satisfy this Special Use Permit criterion.

Accordingly, the design of the Project's building satisfies Zoning Law § 195-76(B) and any visual impacts of the building on nearby residents will either be avoided or substantially limited by building design, final colors as approved by the Planning Board, topography, distance, existing intervening vegetation and, over time, proposed coniferous landscaping.

Review Criterion – Zoning Law § 195-76(C):

Improvements made to the property should not detract from the character of the neighborhood by producing excessive lighting or unnecessary sign proliferation. Recessed lighting and landscaped ground signs are preferred.

Findings:

With respect to lighting, as reflected in the Site Plans for the Project, new, modern and energy-efficient lighting will be used throughout the Project Site. Exterior site lighting will comply with the Zoning Law and will be the minimum necessary while ensuring a safe and secure facility. All proposed lighting will be dark-sky compliant, downward facing and will minimize sky glow and light pollution from the Site. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. As shown on the Site Plans, the fixture locations have been sited to avoid and/or minimize any light trespass onto adjacent properties. Due to lighting design and distance, there will be no impacts on nearby homes on McBride Road and Route 6. These measures have been incorporated by the Applicant to minimize otherwise potential adverse impacts from site lighting of the new building and parking facilities.

Signage will comply with the Town's Zoning Law. As shown on the Site Plans, exterior signage will be primarily directional in nature for the purpose of providing information to employees, truck drivers, visitors and others on internal driveways or entering the Project's building. Based on the building's elevations, only a sign with the user's name will be provided above the entrance to the office area. None of this site signage will detract from the character of the neighborhood due to distance, topography, existing vegetation and planted landscaping.

Accordingly, Project Bluebird will satisfy this criterion in Zoning Law § 195-76(C).

Review Criterion – Zoning Law § 195-76(D):

Parking areas should generally be placed in the rear or side whenever possible and provide for connections with adjoining lots. Accessory buildings should also be located in the rear with access from rear alleys. If placement in the rear is not possible, parking lots should be located to the side with screening from the street.

Findings:

Based on the Site Plans, the Project's parking areas and accessory buildings (two small guard sheds) satisfy this review criterion in Zoning Law § 195-76(D) by being located on the sides and rear of the Project's building to the extent possible. The Project's parking design ensures the safe circulation and separation of automobiles from truck traffic on the Project Site, while also providing safe and efficient access to and from the Service Driveway on the eastern side of the Site. Based on the site layout, trucks will enter the property and circulate around the building, while employees will enter directly into the parking areas provided for them on the eastern and northern sides of the building. This separation of vehicle and truck traffic will make it safer for pedestrians entering the building from the front.

Importantly, as shown by the visual assessment information provided by Scannell in support of the Applications, and consistent with the Negative Declaration (*See*, Negative Declaration, Impact on Aesthetics, Page 27), due to the layout of the Project Site and the screening effect provided by distance, topography, existing intervening vegetation, sound walls and proposed landscaping, any visibility of the Project's parking areas and guard sheds will be avoided altogether or substantially minimized.

Review Criterion – Zoning Law § 195-76(E):

Storm drainage, flooding and erosion and sedimentation controls should be employed to prevent injury to persons, water damage to property and siltation to streams and other water bodies.

Findings:

Consistent with the Negative Declaration (*See*, Negative Declaration, Impact on Surface Waters, Page 14), the Project will satisfy this review criterion through implementation of the proposed stormwater pollution prevention plan ("SWPPP") for the Project.

Avoidance and/or minimization of turbidity or erosion will occur through the Project's implementation of the SWPPP, which includes modern stormwater management controls designed to ensure that any stormwater discharged from the Project Site will meet NYSDEC water quality standards, both during and after construction, resulting in minimal impacts to surface waters. Stormwater from the Project will be managed, treated and discharged in accordance with the requirements set forth in the 2025 NYSDEC State Pollution Discharge Elimination System general stormwater permit and the Project's SWPPP, subject to prior review and oversight by the Town's engineer and continuing regulatory oversight and enforcement by NYSDEC. Stormwater will be collected and treated to protect water quality prior to discharge. As required by law, stormwater will be managed to control the rate of stormwater runoff to less than pre-development rates for a full range of storm events from the 1-year storm to the 100-year storm. As required by Chapter

154 of the Town of Wawayanda Code, Scannell will also enter into a Stormwater Facilities Maintenance Agreement with the Town to provide for the continued maintenance of stormwater controls on the Project Site subject to periodic inspections by regulating authorities, further reducing the possibility of impacts to surface waters.

Accordingly, through the implementation of the SWPPP included in the Applications, Project Bluebird will adequately satisfy this review criterion and prevent injury to persons, water damage to property and siltation to streams and other water bodies consistent with SHCC and as reflected in the Negative Declaration.

Review Criterion – Zoning Law § 195-76(F):

Whenever feasible, existing roads onto or across properties should be retained and reused instead of building new, so as to maximize the use of present features such as stone walls and tree borders and avoid unnecessary destruction of landscape and tree canopy. Developers building new driveways or roads through wooded areas should reduce removal of tree canopy by restricting clearing and pavement width to the minimum required for safely accommodating anticipated traffic flows.

Findings:

The Service Driveway as shown on the Site Plans was required for SHCC at the request of the Planning Board to provide shared driveway access for SHCC and for the subsequently approved project to its east (Project Liberty) at a signalized intersection with Route 6. The Planning Board found that SHCC satisfied this review criterion and the Service Driveway proposed for Project Bluebird is consistent with SHCC's for purposes of the Planning Board's review of this criterion. Limited tree removal is required for the Service Driveway, which will primarily be constructed across extensively disturbed lands to the east of the Project's building, internal circulation drives and parking areas. Accordingly, Project Bluebird satisfies this review criterion.

Review Criterion – Zoning Law § 195-76(G):

The crossing of steep slopes with roads and driveways should be minimized and building which does take place on slopes should be multistoried with entrances at different levels as opposed to re-grading the site flat.

Findings:

The Planning Board found that SHCC adequately satisfied this review criterion and Project Bluebird is consistent with SHCC based upon the Applications, the Site Plans, and the Negative Declaration. Through its development of the Project, Scannell will be redeveloping and reclaiming the Project Site, which is currently being used for mining operations approved by NYSDEC and the Planning Board in 2009. In order to achieve desired elevations for the Project's building and parking areas, significant regrading of steep slopes will be required as shown on the Site Plans and discussed in the Geotechnical Report submitted in support of the Applications. When completed, however, Project driveways and parking areas will not be on steep slopes, including where the Service Driveway will be constructed. Also, any potential stormwater or erosion impacts related to development or operation of the Project will be controlled and avoid or minimized during

construction through the implementation of the approved SWPPP on the Property. Proposed slopes greater than 3:1 will be properly stabilized during construction with erosion control matting as shown on the Erosion & Sediment Control Plans included in the Site Plans. Accordingly, Project Bluebird adequately satisfies this review criterion.

Review Criterion – Zoning Law § 195-76(H):

New driveways onto principal thoroughfares should be minimized for both traffic safety and aesthetic purposes, and interior access drives which preserve tree borders along highways should be used as an alternative. Developers who preserve tree borders should be permitted to recover density on the interior of their property through use of clustering.

Findings:

Consistent with SHCC, Project Bluebird satisfies this review criterion since the Project will include the same intersection of the Project's Service Driveway with Route 6. As noted above, the Service Driveway, which parallels Route 6, was required for SHCC at the request of the Planning Board to provide shared driveway access for SHCC and for Project Liberty at a signalized intersection with Route 6. No existing tree borders along Route 6 will be removed in relation to the Project and new landscaping will be provided along Route 6 and McBride Road to screen, respectively, the future Substation and the Project's building consistent with the visual assessment provided in support of the Applications and the Planning Board's findings in the Negative Declaration (See, Negative Declaration, Impact on Aesthetics, Page 27). For the foregoing reasons, Project Bluebird satisfies this review criterion.

Review Criterion – Zoning Law § 195-76(I):

Building sites at prominent intersections of new developments should be reserved for equally prominent buildings or features which will appropriately terminate the street vistas. All street corners should be defined with buildings, trees or sidewalks.

Findings:

The Project will not be developed at a prominent intersection. Rather, the Project will be located at the end of an existing private road (the Service Driveway) as far away as possible from nearby residential or commercial properties on Route 6. Accordingly, Project Bluebird satisfies this review criterion.

Review Criterion – Zoning Law § 195-76(J):

Cul-de-sac and dead-end streets should be discouraged in favor of roads and drives which connect to existing streets on both ends. Streets within residentially developed areas should be accompanied by on-street parking and a sidewalk on at least one side of the street. Sidewalks should also be provided in connection with new commercial development adjacent to residential areas, and pedestrian access should be encouraged.

Findings:

As shown on the Site Plans, Project Bluebird will be located at the end of a private road (former Hoops Road), so there is no opportunity for a connection beyond the Project Site.

Sidewalks are not proposed for the Service Driveway proposed to serve as primary access for the Project, which is within the MC-1 zoning district where sidewalks would not be required or exist now. Sidewalks would also not be appropriate for the portion of the Project Site along McBride Road, since there are currently no sidewalks along any portion of McBride Road or Route 6. For these reasons, Project Bluebird satisfies the review criterion in Zoning Law § 195-76(J).

Review Criterion – Zoning Law § 195-76(K):

New buildings on a street should conform to the dominant setback line and be aligned parallel to the street so as to create a defined edge to the public space.

Findings:

As discussed above, the Project's building greatly exceeds the setbacks required by the Zoning Law for the Project and those of SHCC as approved by the Planning Board. Further, the Project Site is comprised of internal parcels relative to Route 6 and there is no existing dominant setback line of nearby buildings to conform to. Relative to I-84, given the large size of the building, Project Bluebird's setback from the highway right-of-way (226.2') will be generally consistent with Project Liberty's (200'). The Planning Board found that SHCC satisfied this review criterion with a setback of 162.9' from the I-84 right-of-way, so Project Bluebird conforms even more closely to Project Liberty's setback and satisfies this review criterion.

Review Criterion – Zoning Law § 195-76(L):

The proposed use should not have a detrimental impact on adjacent properties or the health, safety and welfare of the residents of the Town of Wawayanda.

Findings:

The Planning Board found that SHCC satisfied this review criterion and the Negative Declaration did not identify any significant adverse impacts from the Project on adjacent properties or the health safety or welfare of the residents of the Town of Wawayanda. Consistent with SHCC and the Negative Declaration, Project Bluebird satisfies this review criterion for reasons that include the following:

Air

In the Planning Board's Negative Declaration for Project Bluebird, the Planning Board considered the potential for impacts to air quality from fugitive dust emissions during the Project's construction and from Project-generated traffic, particularly truck traffic, during operations. No other potential impacts to air quality from the Project were identified.

The Planning Board found in the Negative Declaration that any fugitive dust emissions from the Project's construction will be consistent with those of SHCC and will not result in any significant adverse impacts. (See, Negative Declaration, Impact on Air, Page 20). Similarly, the Planning Board found in the Negative Declaration that Project-generated traffic, even when combined with traffic from nine other proposed and/or approved industrial facilities in the MC-1 district, will not result in any significant adverse impact on air quality (See, Negative Declaration,

Impact on Air, Page 20). To evaluate the potential cumulative air quality impacts of Project Bluebird, both at the Project Site and between the Project's driveway access onto Route 6 and along Route 6 to I-84, Scannell prepared an air quality report (the "Study") that is included in the Applications. Based upon its review of the Study, the Planning Board concluded in the Negative Declaration it is not anticipated that cumulative existing and projected mobile sources (including Project Bluebird) will have any significant adverse impact on air. Onsite, based upon a qualitative assessment, the Study projected that Project Bluebird will likely result in a reduction of air pollutant emissions as compared to the existing mining operations, further minimizing the potential for air quality impacts associated with Project Bluebird.

Wastewater

Wastewater from the Project will be pumped from the Project Site through an underground force main through the Town's sanitary sewer infrastructure, ultimately to the City of Middletown wastewater treatment plant, where it will be treated prior to discharge in accordance with a NYSDEC SPDES permit. The discharge from Project Bluebird will not require any pretreatment because it will consist only of domestic sanitary wastewater from a limited number of restrooms. There will be no industrial wastewater discharge from the Project Site. Based upon the Water and Sewer Memorandum provided by the Applicant in support of the Applications, there is available capacity at the Middletown plant for treatment of the estimated 23,430 gallons per day of wastewater that Project Bluebird will generate. The Middletown plant is a 8.5 million gallons per day treatment facility, which means that Project Bluebird will only comprise approximately .0028% of the potential wastewater that the facility is capable of treating under its permit. Accordingly, Project Bluebird will have a minimal impact on the community as a result of its expansion of the wastewater discharge at the Middletown wastewater treatment plant.

Solid/Hazardous Waste

As reflected in the Negative Declaration, Project Bluebird will not result in the generation of any hazardous waste and it is not a solid waste management facility. Project Bluebird will generate an estimated 123 tons per month of solid waste during operations that will be hauled offsite and disposed of by a private carting business at a solid waste management facility subject to NYSDEC permit requirements. No waste will be disposed of on the Project Site.

Traffic

See discussion above and in Negative Declaration.

Noise

Consistent with SHCC and the Negative Declaration (*See*, Negative Declaration, Impact on Noise, Odor and Light, Page 37), no significant adverse impacts attributable to noise from the Project will occur based on Scannell's and the Planning Board's studies demonstrating the Project's compliance with NYSDEC's policy guidance on "Assessing and Mitigating Noise Impacts" ("NYSDEC's Noise Guidelines"). NYSDEC's Noise Guidelines are based upon the actual potential noise impacts of Project Bluebird on nearby residences around the Project Site. Based upon these studies and the Applications, Project Bluebird will not result in any significant

adverse noise impacts, which are consistent with those of SHCC that were evaluated by the Planning Board before approving that project.

Odors

With respect to Odors, consistent with SHCC and the Negative Declaration (*See, Negative Declaration, Impact on Noise, Odor and Light, Page 37*), Project Bluebird is not anticipated to result in more than minimal impacts to adjacent properties associated with construction and operation, and any impacts are anticipated to be similar to or less, both onsite and from mobile sources traveling along Route 6 to and from I-84, than the existing mining operations. During construction, any odor impacts from construction equipment will be temporary and of short duration. Project Bluebird, when operational, is not anticipated to generate any odor impacts and any odor impacts from mobile sources on adjacent properties will likely be the same or less than those of the existing mining operations and no different than existing traffic along the Routes 6/17M commercial/industrial corridor.

Light

Project Bluebird's lighting will be consistent with the lighting analyzed by the Planning Board for SHCC that was found to satisfy this review criterion and that was found to pose no significant adverse impact in the Negative Declaration (*See, Negative Declaration, Impact on Noise, Odor and Light, Page 37*). New, dark-sky compliant, modern and energy-efficient lighting will be used for the Project. Exterior site lighting will comply with the Zoning Law and be the minimum necessary while ensuring a safe and secure facility. All proposed lighting will be downward facing and will minimize sky glow and light pollution from the Project. Lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. Nighttime lighting for the Substation will only occur sporadically as needed for access and maintenance. As shown on the Site Plans, the fixture locations have been sited to avoid and/or minimize any light trespass onto adjacent properties. These measures have been incorporated to minimize otherwise potential adverse impacts from site lighting of the new building and parking facilities. Though Project Bluebird involves a taller building, light reduction measures including but not limited to interior blinds will be employed to ensure that any higher windows do not contribute to new lighting impacts.

Review Criterion – Zoning Law § 195-76(M):

If the proposed use is one judged to present detrimental impacts with respect to noise, lighting, surface runoff, emissions or other similar factors, the Planning Board shall determine whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.

Findings:

Additional measures proposed by Scannell to avoid or minimize Project impacts are included in the Negative Declaration and will be implemented as part of the Project. Those measures from the Negative Declaration are incorporated into these findings by reference and a condition requiring their implementation is included in the approval resolution for the Project.

Review Criterion – Zoning Law § 195-76(N):

The Planning Board shall consider whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation. The granting of an approval should not cause an undue economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use, and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.

Findings:

The Planning Board found that SHCC satisfied this review criterion. In the Negative Declaration, the Board determined that Project Bluebird will have minimal impact upon community infrastructure and that the benefits that the Project will provide will far exceed the cost of any additional services required as a result of the Project. Those benefits are expected to include:

- Design, permitting and construction of a new ambulance building to serve the Town's newly formed ambulance district (See, Negative Declaration, Page 6);
- Over \$1,000,000 in building permit fees for the Project (notably, the unique building design of the Project results in significantly higher permitting fees than the Town would receive if the Project Site was developed for an alternative facility with a similar footprint);
- Water and sewer fees for those services;
- \$15 million investment in needed local roadway, utility infrastructure, etc.;
- Creation of a minimum of 300 construction jobs through the construction of the Project;
- Creation of a minimum of 750 permanent jobs with full comprehensive benefits and educational opportunities, plus hundreds of part-time and seasonal jobs;
- Reuse of a site heavily disturbed by the mining operations in the MC-1 District with permanent industrial development;
- Significant increase in the taxable value of the Project Site, with a total capital investment in excess of several hundred million dollars;
- Indirect employment resulting from the build-out of Project Bluebird;
- Local procurement opportunities for small businesses;
- Ancillary economic output due to employment and construction;
- Positive impact creating substantial new opportunities with fiscal benefits supporting local public schools and community infrastructure; and
- Having little or no impact on local water/sewer infrastructure and other municipal services.

Traffic from the Project, particularly trucks, will predominantly use Route 6, a State-maintained highway, for travel, having no impact from heavy trucks on local roads maintained by

the Town. Water and sewer fees will be paid for those services. No other costs for municipal services provided by the Town are expected. Nor is the Project expected to result in the addition of significant numbers of students to local schools, as employees will likely be drawn from existing residents of local communities in Orange, Dutchess, Ulster, Putnam and Westchester counties, which are all within commuting distance of the Project Site.

The substantial property tax value of the Project Site, after construction of the Project, will result in increased property tax revenues for the Town, County, school district and special districts that are reasonably expected to be in excess of any additional costs for community services attributable to the Project. Furthermore, the local Fire District and Town special districts will receive 100% of assessed fees based upon the property value of the Project Site regardless of any tax incentives granted to the Project, substantially benefitting those emergency services. Scannell and its user have jointly applied to the Orange County Industrial Development Agency (“OCIDA”) for tax incentives to facilitate development of this project. In making its decision, OCIDA must determine that any incentives granted are in the public interest, taking into account potential burdens on local services. Accordingly, regardless of any incentives granted by OCIDA, based on the substantial taxable value of the Project Site, increased tax revenues for the Town and Minisink Valley School District are to be reasonably expected, and as noted above, 100% of any Fire District and Town special district charges will always be provided.

Review Criterion – Zoning Law § 195-76(O):

The hamlet areas of Wawayanda, specifically Ridgebury, Slate Hill and old New Hampton, are important and integral parts of the Town's culture and heritage. The hamlets represent historic, compact, developed areas within the largely rural regions of the Town. The character and quality of Wawayanda would be permanently diminished if these small settlements were to disappear from the landscape. New development should be integrated into the hamlet centers in such a way that it improves upon the positive aesthetic aspects of the hamlet centers and ensures that these centers will be preserved. New buildings and additions to existing buildings should blend into the existing hamlet landscape to the maximum extent practical.

Findings:

The Planning Board found that SHCC satisfied this review criterion and Project Bluebird is consistent with SHCC and also satisfies this criterion due to the location of the Project Site in the MC-1 zoning district outside of the existing, developed hamlet areas of Ridgebury, Slate Hill and old New Hampton.