

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PROJECT: Crossroads Companies, LLC

TOWN OF STONY POINT, NEW YORK

DATE: September 9, 2008

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Stony Point, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Crossroads Companies Special Permit and Site Plan

SEQR Status: Unlisted

Condition Negative Declaration: No

Description of Action: Special Permit and Site Plan approval to construct a 67,000 s.f. +/- grocery store with 8 satellite retail stores and a smaller 8,000 s.f. +/- anchor with drive through on a 9.6 acres site.

Location: North side of Holt Drive (Kay Fries Drive) approximately 600 feet east of the intersection of Holt Drive and Route 9W.

Reasons Supporting This Determination:

The proposed action is not anticipated to result in any adverse environmental impacts based on the following:

1. On or about November 17, 2007, the Town Board received a Part 1 Full Environmental Assessment Form (EAF) for the application of Crossroads Companies providing environmental setting, project description, agency jurisdiction, and planning and zoning information;
2. The Town Board has held a number of public hearing with respect to this application on February 12, March 11, April 8, May 12, June 10, July 8,

- August 12, 2008, and September 9, 2008 at which the concerns of members of the public and various consultants and referral agencies have been heard and considered;
3. On or about February 13, 2008 the Town Board received a proposed Part 2 EAF prepared by the Town's Planning Consultant at the Board's instruction;
 4. Having amended the Plan in response to Town Board input, Planning Board recommendation and public comment, the applicant on or about May 18, 2008, submitted a new application package including a Part 1 Full Environmental Assessment Form (EAF);
 5. On or about June 13, 2008 the Town Board adopted the Part 2 EAF indicating potential large impacts to:
 - a. Tidal wetlands from drainage;
 - b. Erosion;
 - c. Drainage patterns;
 - d. Aesthetic resources from increased intensity of land use;
 - e. Traffic, especially at Route 9W;
 - f. Noise from deliveries and mechanical equipment;
 - g. Public health from contaminated soils;
 6. The adopted Part 2 anticipated public controversy;
 7. The Town Board adopted a Part 3 EAF at its September 9, 2008 having reviewed the submission and having found the document provided adequate information and analysis to determine the importance of potential large impacts;
 8. It was determined that the project will be required to meet DEC and Town Engineer standards for discharges to tidal wetlands; that the project will provide stormwater quality treatment and on-site infiltration; and that significant impacts to wetlands are unlikely;
 9. It was determined that on-site soils present only a slight erosion hazard; that the plan will be required to develop an erosion control plan in accordance with the New York Guidelines for Urban Soil Erosion and Sediment Control including any waivers from the 5 acre disturbance requirement; that such plan will need to meet the standards of DEC and the Town Engineer; and significant impacts to drainage patterns and erosion are unlikely;
 10. It was determined that the project proposes significant buffering from neighboring residences and significant impact to aesthetic resources are unlikely;
 11. It was determined that the plan includes the installation of a traffic signal at the intersection of Holt Drive and Route 9W and coordination with the signal at Filors Lane; a conservative traffic analysis prepared by a Professional Engineer on behalf of the applicant and reviewed by a Professional Engineer on behalf of the Town indicates adequate levels of service; the traffic analysis was prepared to include all known approved or proposed developments including Encore Haverstraw and reoccupancy of

- the former adjacent Stop & Shop which are unlikely to occur in the near future; and significant impacts to traffic are unlikely;
12. It was determined that the distance to adjacent residences and the installation of sizable textured concrete retaining walls and a sizable planted berm will significantly mitigate sound from the site; and noise impacts to adjacent residences are unlikely;
 13. It was determined that significant impacts to public health from contaminated soils are unlikely given that:
 - a. The DEC has ceased aeration treatment in Operable Unit # 2 which includes all areas west of the railroad tracks;
 - b. The DEC has begun decommissioning the nearest operational collection trenches in Operable Unit # 2 (east of the railroad tracks) located 1000 feet to the east and at elevations 50+/- feet lower than the site;
 - c. The DEC conducted testing in Operable Unit #2 in March of 2008 and found no contamination "above standards;"
 - d. The DEC conducted a soil vapor intrusion study in 2008 (in the area of Operable Unit #1 closest to Operable Unit #2) and found that no mitigation was required;
 - e. Additional information provided by the members of the public comprising among other items a March 1993 letter constituting objections by the Town of Haverstraw on the then draft Proposed Remedial Action Plan would have already been considered by the New York State Department of Environmental Conservation, the agency responsible for cleanup and the addressee of the letter, in their March 1994 Record of Decision;
 - f. The DEC has been copied on all SEQRA documents including the Part 2 EAF and the Part 3 EAF and is therefore aware of the questions surrounding impacts to public health, and on September 9, 2008 furnished the Town with a letter dated August 1, 2008 written to a member of the Stony Point Public relating information that the site is not part of the Kay-Fries Superfund site and when investigated as part of an off-site study was found to contain no contamination.
 - g. The applicant conducted on-site testing by a New York certified lab in March of 2008 showing no detectable levels of soil contamination.
 14. No other potential large impacts were identified for the site.