Chapter 5. ALTERNATIVES

This chapter describes and presents the reasonable alternatives to the Proposed Action that are feasible, considering the objectives and capabilities of the Developer.

A. No Build (No Action) Alternative

1. Project Description. The "No Action" alternative assumes the Project Site remains in its current condition. This alternative does not meet the goals and objectives of the Applicant regarding site development.

2. Land and Geological Features. No changes would occur to the Project Site features. The No Action alternative results in no site disturbance.

3. Surface Waters and Wetlands. The No Action alternative would result in the Project Site remaining in its current undeveloped condition. There is the possibility that the existing condition would remain for the near future. Previous projects since 2003 have not proceeded beyond the initial DEIS review and subdivision process. As such, the onsite wetlands would remain unchanged.

4. Groundwater. Without the Proposed Action, the Project Site would remain undisturbed. There would be no stormwater controls at the Project Site or Stormwater Pollution Prevention Plan.

5. Air Quality. Without the Proposed Action, air quality conditions on and adjacent to the Project Site would remain as is.

6. Plants and Animals. The No Action alternative would result in no changes to the existing flora and fauna found on the Project Site. The approximately 22 acres of Mesophytic forest would continue to mature and expand. The Red Maple Hardwood Swamp and wetlands would remain as is, same as with the Proposed Action.

7. Agricultural Resources. The Project Site is vacant and has no activity, including agriculture. No agriculture would occur on the Project Site nor is there any anticipated impact on nearby agricultural properties.

8. Aesthetic Resources. The Project Site would retain its current visual character, which is vacant land with development limited to a cul-de-sac road planned to serve the seven lots created by a previously approved subdivision.

9. Historic and Archaeological Resources. The Project Site does not have any identified archaeological sites.

10. Transportation. As indicated in Section 3.I of the DEIS, the traffic impact study projected 2024 existing traffic volumes to the 2028 design year to account for background traffic growth. Under a No Action scenario, traffic volumes increase by a growth factor of one percent per year, based on historical roadway volumes. Even without the Proposed Action, traffic data suggests one percent traffic volume growth.

11. Energy. Since the Project Site does not have any active uses, no changes in energy use would occur.

12. Land Use and Zoning. Without the Proposed Action, the Project Site would retain its existing lot configuration, which consists of seven tax lots, one that is where the access road and cul-de-sac is located.

    The No Action alternative would result in several public policy goals, objectives, and policies remaining unaddressed. The Town Comprehensive Plan encourages industrial use on the Project Site, citing the NYS Route 17K and Interstate 84 corridors. Given its location near Interstate Route 84 and Stewart International Airport, the No Action alternative does not take advantage of the location potential to foster economic development.

    No development at the Project Site would also run contrary to the goals of the Orange County Comprehensive Plan and the 2015 County Economic Development Strategy. The County Comprehensive Plan identifies the Project Site as part of a Priority Growth Area, meaning the Site is in an area the County Comprehensive Plan has deemed suitable for growth to occur. Keeping the Project Site in its existing condition does not further these planning and economic development goals.

13. Noise. Under the No Action alternative, the soundscape in the vicinity of the Project Site would remain like existing conditions. Ambient sound levels would remain about the same. Local traffic noise could expect to increase over time, as noted under the No Action impact to transportation, relative to growth of the surrounding area.

14. Emergency Services. Under a No Action alternative, the existing conditions at the Project Site would remain as is, with no impact on emergency services. Based upon existing conditions and discussions about current resources, police, fire, and EMS services would remain stable with current volume.

B. Alternative Layout Including 65-Foot-Tall Building for Potential Tenant with Freezer or Refrigeration Needs

Although some potential impacts of the alternative layout of warehouse development (Alternative Layout) and the Proposed Action are the same, the Proposed Action creates fewer potential impacts than the Alternative Layout. Among the potential impacts of the Alternative Layout include requiring additional variance relief for building height and potential visual impacts of the building exceeding the maximum height by 30 feet. The Alternative Layout compares with the Proposed Action as follows:

1. Project Description. The Alternative Layout would have the same 399,600 square foot warehouse building as the Proposed Action. The parking spaces and loading docks would remain the same. While the Alternative Layout use is the same as the Proposed Action, there are several potential impacts regarding zoning and visual character that make the Proposed Action the preferred approach.

2. Land and Geological Features. A taller building may require a different level of site disturbance, potentially greater than the Proposed Action.

3. Surface Waters and Wetlands. The 65-foot-tall building assumes the proposed site disturbance is the same as the Proposed Action.

4. Groundwater. The 65-foot-tall building, operating as a freezer warehouse or having substantial refrigeration, may require more water for its operations than the Proposed Action.

5. Air Quality. The 65-foot-tall building assumes the same impact on air quality as with the Proposed Action.

6. Plants and Animals. The potential impact on plants and animals would be similar to the Proposed Action.

7. Agricultural Resources. The potential impact on agricultural resources would be similar to the Proposed Action.

8. Aesthetic Resources. The 65-foot-tall building would far exceed the size of any principal structure in the surrounding area, out of character with the surrounding parcels. The taller principal structure would have a substantial impact on views throughout the surrounding area, as the maximum building height throughout most of Hamptonburgh is 35 feet.

9. Historical and Archaeological Impacts. The potential impact on agricultural resources would be similar to the Proposed Action.

10. Transportation. The potential impact on transportation would be similar to the Proposed Action.

11. Energy. The 65-foot-tall building would require additional energy use for heating and cooling the building interior, in addition to the refrigeration operations that may result with a taller warehouse.

12. Land Use, Zoning, and Public Policy. As noted under the aesthetic resources impact, most of the town has a maximum height limit of 35 feet. One exception is for warehouses in the Limited Use Industry (LUI) district, which have a maximum height of 50 feet. Regardless, a 65-foot-tall warehouse would require one of the following approvals:

    - Height Variance. An application to the zoning board of appeals requesting approval for 65 feet of building height where 35 feet is the maximum permitted in the Industrial (I) zoning district. Area variance requests such as for exceeding the maximum height in the zone need to meet a balance test of five factors:

        - Change to neighborhood character or a detriment to nearby properties.
        - Alternatives not requiring a variance.
        - Substantiality of the request.
        - Adverse effect on physical and environmental conditions.
        - Alleged difficulty self-created.

Based on an initial evaluation, it would be difficult for an application to meet the factors, particularly given the potential impact on neighborhood character and a requested variance of 30 feet, almost doubling the maximum height in the I zone.

- Rezoning and Text Amendment. The Project Site zoning would change to the LUI zone. In addition, the maximum height in the LUI zone would increase from 50 to 65 feet. This process assumes the Project Site is suited for the LUI zoning and that the governing body would support increasing the LUI zone maximum height. The process would last longer, without certainty of success, as opposed to the Proposed Action which is a permitted use in the I zone and conforms to the I zone bulk regulations, including building height. Article XI of Chapter 150 Zoning governs the rezoning and text and zoning map amendment process.

Given the singular nature of the request and the potentially lengthy review process, such a request would have a more substantial impact on land use, zoning, and public policy than the Proposed Action.

13. Noise. The potential impact on noise would be identical the Proposed Action.

14. Emergency Services. The potential impact on emergency services would be the same as the Proposed Action.

C. Alternative Layout and Use as a Distribution Terminal

The Hamptonburgh Zoning Ordinance does not define either "warehouse" or "distribution terminal." The following outlines the distinctions between warehouses and distribution terminals:

- Warehouse: Warehouses primarily store products until there is a need for their delivery. The focus is on storage as opposed consumers.

- Distribution Terminal: Distribution terminals (or centers) is the link between suppliers and customers. Operators ship orders from a distribution terminal, including last-mile shipping facilities delivering to customers.

The alternative site layout for a distribution terminal is different than the Proposed Action (Appendix Q – Alternative Layout Plan).

1. Project Description. While a distribution terminal is similar in design, the building configuration is different to meet the needs of a last-mile distribution facility. While fewer trucks would deliver goods, an increased number of car and van parking spaces is necessary to address last-mile distribution terminal operations (Appendix Q – Alternative Layout Plan).

2. Land and Geological Features. The impact to land and geological features would be similar to the Proposed Action.

3. Surface Waters and Wetlands. The impact to surface waters and wetlands would be similar to the Proposed Action.

4. Groundwater. The impact to groundwater would be similar to the Proposed Action.

5. Air Quality. Impacts to air quality would be similar to the Proposed Action.

6. Plants and Animals. The potential impact on plants and animals would be similar to the Proposed Action.

7. Agricultural Resources. The potential impact on agricultural resources would be similar to the Proposed Action.

8. Aesthetic Resources. The potential impact to aesthetic resources would be different, as the distribution terminal may have a different footprint.

9. Historical and Archaeological Impacts. The potential impact on agricultural resources would be similar to the Proposed Action.

10. Transportation. A last-mile distribution terminal may result in more cars for employees and vans for deliveries, but fewer trucks delivering products, than the Proposed Action (Appendix Q – Alternative Layout Plan). Different peak hours for a distribution terminal would influence the conclusions of the TIS.

11. Energy. The potential impact on transportation would be similar to the Proposed Action.

12. Land Use, Zoning, and Public Policy. The potential impact on noise would be similar to the Proposed Action.

13. Noise. The potential impact on noise would be similar to the Proposed Action.

14. Emergency Services. The potential impact on emergency services would be similar to the Proposed Action.

The last-mile distribution facility would result in a different vehicle mix accessing the site (such as fewer trucks, but more cars and vans), different operating hours, and different peak hours.

D. Alternative Access to the Project Site

The plan proposes two ingress and egress access roads from Neelytown Road. Both access roads manage two-way traffic and can accommodate car and truck traffic. One access road is near the northern side lot line and the other is south of the south side of the warehouse. Both access roads have 30-foot wide cartways. The proposed driveway locations avoid wetlands and wetland buffers to the southern and eastern sides of the site, as well as the three conservation easements that exist on the site. These locations work around the proposed septic design, as well as provide access to the only public roadway adjacent to the site.

Moving the northern access driveway south of its proposed location would have an adverse impact by having to relocate the leach field from its proposed location, with potential impacts to the roadway or wetland buffers as a result. Moving northern access driveway north of its proposed location would require a variance for development in the buffer close to the northern lot line, as it is already as close as practicable to that lot line.

Moving the southern access driveway south of the proposed location would have an adverse impact on wetlands and wetland buffers in the southern section of the site, requiring wetland permitting for impacts that the proposed driveway configuration avoids. Moving the southern driveway north would impact the leach field as described above, causing reconfiguration of parking and wetland impacts to allow for access drive reconfiguration.

Neelytown Road North is the only public access roadway adjacent to the Project Site. Access is not available from the north, which has no public roadway and is the privately owned property of Windfall Farms. Access is not available to the south, which in addition to having wetlands, is privately owned property with no public roadway. Access is not available to the west, which is an active rail line with no crossing, with privately owned property on the other side.

The alternative access options would not result in any substantial benefit regarding access, aesthetics, or improved design. For the reasons noted above, moving the driveway either north or south creates difficulties that do not merit moving the driveways from the proposed locations.

1. Project Description. The driveway relocation would have the same warehouse size, and parking and loading, but would require changes to stormwater and wastewater design, as well as wetland disturbances. While the alternative is the same use as the Proposed Action, there are several potential impacts wetlands, plants and animals, wastewater, and aesthetics that make the Proposed Action the preferred approach.

2. Land and Geological Features. Relocating access drives may require a greater level of site disturbance, particularly increased fill for development in wetlands. Impacts to land and geological features may be greater than the Proposed Action.

3. Surface Waters and Wetlands. Relocating access drives would require permitting for impacts to wetlands and wetland buffers.

4. Groundwater. The impact to groundwater would be similar to the Proposed Action.

5. Air Quality. Impacts to air quality would be similar to the Proposed Action.

6. Plants and Animals. The potential impact on plants and animals would be more intense than the Proposed Action, as the reconfiguration would require development within wetlands and wetland buffers, which are important habitat areas.

7. Agricultural Resources. The potential impact on agricultural resources would be similar to the Proposed Action.

8. Aesthetic Resources. The potential impact to aesthetic resources would be more intense than the Proposed Action, as alternative access may require disturbance of untouched wetland areas.

9. Historical and Archaeological Impacts. The potential impact on agricultural resources would be similar to the Proposed Action.

10. Transportation. The potential impact on transportation would be similar to the Proposed Action.

11. Energy. The potential impact on transportation would be similar to the Proposed Action.

12. Land Use, Zoning, and Public Policy. As noted under the aesthetic resources impact, most of the town has a maximum height limit of 35 feet. One exception is for warehouses in the Limited Use Industry (LUI) district, which have a maximum height of 50 feet. Regardless, a 65-foot-tall warehouse would require one of the following approvals:

13. Noise. The potential impact on noise would be similar to the Proposed Action.

14. Emergency Services. The potential impact on emergency services would be similar to the Proposed Action.