

State Environmental Quality Review Act (SEQRA)

DRAFT

SCOPING DOCUMENT

Blinn Subdivision

Town of Clarkstown, Rockland County, NY

INTRODUCTION

This draft Scoping Document is intended to serve as the foundation for the identification of all potentially significant adverse impacts associated with the proposed action and possible mitigation measures. It is also intended to eliminate consideration of any impacts that are irrelevant or non-significant.

DESCRIPTION OF THE PROPOSED ACTION

The site is 30.7 acres of R-160 zoned land, located on the east side of Christian Herald Road, opposite Storms Road in the Town of Clarkstown, NY. The proposal is to subdivide the existing two lots into a total of six separate lots, creating four additional residences under an open development proposal. Each lot would have a separate well and individual septic systems.

POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS

As set forth in the Positive Declaration adopted by the Lead Agency (*October 13, 2010*), the proposed action may have potential significant environmental impacts on:

- Geology, Soils and Topography
- Surface and Ground Water Resources
- Ecology
- Land Use and Zoning
- Community Services, including emergency services, police, and fire
- Aesthetic Resources – Visual and Lighting
- Traffic and Transportation -Vehicle Access

GENERAL SCOPING CONSIDERATIONS

Unless otherwise directed by this Scoping Document, the provisions of 6 NYCRR 617.9(b) apply to the content of the DEIS and are incorporated herein by reference.

The DEIS will assemble relevant and material facts, evaluate reasonable alternatives, and be analytical but not encyclopedic. It will also be clearly and concisely written in plain language that can be easily read and understood by the public. Highly technical material will be summarized in the body of the DEIS, and included in their entirety in an appendix, with an appropriate reference included in the DEIS.

Narrative discussions will be accompanied by illustrative tables and graphics. All graphics will clearly identify the project area. Footnotes may be used as the form of citing references. Opinions of the applicant will be identified as such.

Full-scale site plans will accompany the DEIS as an appendix and reduced copies of pertinent plan sheets and details will be included in the text of the DEIS. The documents shall contain plans, reports, and studies meeting prevailing Federal, State and Town criteria with respect to all disciplines of study as well as Town of Clarkstown subdivision regulations.

DEIS CONTENTS

The Draft Environmental Impact Statement (DEIS) shall be prepared in accordance with Section 8-0101, et. seq. of the Environmental Conservation Law and the regulations promulgated by the New York State Department of Environmental Conservation hereunder, which appear at 6 NYCRR Part 617, known as the New York State Environmental Quality Review Act. The DEIS shall include the following:

Cover Sheet listing preparers, title of project, DEIS identification, location, Lead Agency, and relevant dates (i.e. date of acceptance, date of public hearing, final date for acceptance of comments).

Table of Contents including listings of tables, figures, maps, charts, and any items that may be submitted under separate cover (and identified as such).

I. EXECUTIVE SUMMARY

The Executive Summary will include a brief description of the proposed action and a listing of all potential environmental impacts and proposed mitigation measures. A summary will be provided of the approvals and permits required, and of the alternatives to the proposed action that are evaluated in the DEIS.

II. DESCRIPTION OF THE PROPOSED ACTION

Chapter 2 of the DEIS will provide a description of the proposed project site and its location, a description of the proposed project, the public need and objectives of the project sponsor, and a description of required approvals, reviews, and permits.

A. Site Location and Description

1. A written and graphic description of the location of the project site in the context of the Town of Clarkstown.
2. Description of the environmental setting of the site and the natural resources identified thereon.
3. Description of the history of the proposed project before the Town of Clarkstown Planning Board.
4. Identification of any easements, rights-of-way, restrictions, special district boundaries or other legal devices affecting the subject properties' development potential.
5. Description of the existing infrastructure serving the project sites and/or its immediate environs.

B. Description of the Proposed Action

1. Written and detailed description of the proposed action, including the proposed use, acreage of proposed impervious area (including existing to remain), proposed, acres of land to be cleared, open space to be provided, compared to the existing use of same; proposed schedule and phasing of construction, infrastructure ownership and maintenance. Small-scale plans will be provided in the DEIS for illustrative purposes.
2. Identify zoning and describe existing land uses applicable to the project site; and the land uses within a ½ mile vicinity of the project site.
3. Discuss compliance with all Zoning Approval standards, Subdivision Regulations and other criteria set forth by the Town of Clarkstown Code. The DEIS shall identify the extent to which any modifications or waivers of such standards and other criteria or any variances from such regulations would be required to carry out the project as proposed.
4. Discuss the compatibility of the proposed land use with the character and development trends in the nearby area, including identification of properties along the Palisades Ridge purchased by the Town or subject to conservation easements or other measures intended to protect open space, particularly at higher elevations.

C. Project Purpose and Need

1. Discuss the purpose or objective of the project sponsor.
2. Identify the public need for the proposed action, including its consistency with adopted policies and/or plans as set forth within adopted community land use and development plans.

D. Approvals, Reviews and Permits

1. List and describe all required approvals, reviews, and permits required, by agency, to implement the proposed action.
2. List all involved and interested Agencies.

III. ENVIRONMENTAL SETTING, EXISTING CONDITIONS, IMPACTS, MITIGATION

This section of the DEIS will identify the existing environmental conditions, potential impacts of the action, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. Sufficient detail should be provided so that reviewers are able to gain an understanding of current conditions and impacts.

The format or organization of this section will include the following subsection headings for each topic or impact issue:

Environmental Setting / Existing Conditions
Potential Impacts
Mitigation Measures

This format provides for a more meaningful presentation of the environmental issues that allows the reader to focus on individual impact issues.

A. Soils, Topography and Geology

1. Soils will be mapped in accordance with the *Soil and Water Conservation District Soil Survey for Rockland County, New York*. Evaluation of site soils will include the following:
 - a. Field verification of soils types
 - b. Identification and evaluation of hydric and non-hydric soils.
 - c. Erosion impacts and estimated quantities and locations of increased long-term erosion.
 - d. Construction methods and best management practices that will be employed to lessen erosion and to prevent sediment from migrating off-site or into nearby water bodies and wetlands including an evaluation of their effectiveness to mitigate impacts.
 - e. Identification of potential soil characteristics that may require special construction techniques including a discussion on blasting and measures to protect the adjoining properties.
 - f. The DEIS will describe the amount and type of rock to be removed from the site and will describe in detail the proposed methods of rock removal.
 - g. The DEIS will describe the detailed SWPPP including the section on the soil erosion and sediment control plan that will accompany the text description of specific designs to be implemented during construction.
2. A topographic survey based on a two-foot contour interval will be prepared for the entire site. Existing topography will be mapped for the entire site, and proposed topography will be mapped. A comparison of existing and proposed topography will be evaluated as follows:
 - a. Graphics illustrating steep slopes and any steep slope disturbances will be provided.
 - b. A description will be provided of prominent and/or unique features including stonewalls ledges and rock outcroppings.
 - c. A grading plan will be provided and described.
 - d. A cut and fill analysis will be provided, including an analysis of the disposal of excess cut or the import of fill materials.
 - e. Excavated materials retained and utilized on site will be evaluated for the adequacy of their intended use on-site.
 - f. Measures to minimize cut and fill activities will be described.
 - g. Phasing of proposed disturbances will be described.

B. Surface and Ground Water Resources

1. Drainage - A drainage study defining existing and post-development peak rates of stormwater runoff and stormwater quality treatment during the statistical 2-, 10-, 25-, and 100-year, 24-hour Type III storm events, will be completed. The results of this study will be summarized in the DEIS text and all supporting calculations will be presented in the appendix to the DEIS. Specifically, the drainage study will include the following:
 - a. A definition of all existing drainage basins, watersheds, and drainage structures, including a graphic illustrating all divides of drainage basins which discharge from the project to adjacent properties shall be shown on pre- and post development watershed maps. A description of each such drainage basin will be provided in the appendix to the DEIS. The descriptions will include the specific characteristics (e.g., size, composition, etc.) of all drainage structures and a summary of the path of flow from the project to receiving water bodies.
 - b. The drainage analysis shall include identification of off-site drainage ways which flow to and from the site.
 - c. An analysis of the extent and depth to groundwater.
 - d. Calculation of pre- and post-development runoff quality and an outline of run-off reduction and subsequent treatment methods per current NYSDEC Design Standards.
 - e. The DEIS will provide a stormwater management plan defining all measures and procedures to be implemented so as to ensure compliance with prevailing discharge standards. Such measures, if necessary, will include conveyance systems and retention/detention facilities and devices. All proposed measures and procedures will be selected in accordance with the current NYSDEC Design Standards. General design guidelines for stormwater infrastructure will be described for future phases.
 - f. Specific consideration shall be given to the review of potential impacts to Christian Herald Road including discussion of the potential impacts increased stormwater would have on this roadway, and identification of appropriate mitigation measures to adequately address potential impacts.

2. Wetlands
 - a. Location of the existing stream corridor and all on-site wetlands shall be mapped. Description of all wetlands and watercourses with corresponding jurisdiction will be discussed.
 - b. Delineate and flag the boundary of all State and Federal Jurisdictional Wetlands in accordance with the methodology provided in the 1987 Army Corps of Engineers Wetlands Delineation Manual; boundaries to be confirmed by the permit agencies.
 - c. Discuss wetland vegetative cover, soil classification, and wetland benefits including flood and erosion control, recreation, and wildlife habitat.
 - d. Calculate the area of proposed wetland disturbance based on grading plans to quantify any impact and to provide a basis for degree of mitigation.
 - e. Discuss mitigation measures that may be required to prevent soil erosion and sedimentation of wetlands during construction of the subdivision.

C. Ecology

1. Vegetation

- a. Contact the NYS DEC and Federal Fish and Wildlife Service to identify and evaluate the possible presence of unique, rare and/or endangered, threatened and special concern species.
- b. A field assessment shall be conducted by a qualified professional to evaluate the presence of suitable habitat for unique, rare and/or endangered, threatened and special concern species.
- c. Review the Bio Diversity Report, prepared by John Mickelson, November 2008, included as Appendix V of the Town's Comprehensive Plan as it relates to Vegetative ecology.
- d. Evaluate the potential impacts on the resources identified. Mitigate if necessary, and conduct on-site surveys as required.

2. Fish and Wildlife

- a. Contact the NYS DEC and Federal Fish and Wildlife Service to identify and evaluate the possible presence of unique, rare and/or endangered, threatened and special concern species.
- b. A field assessment shall be conducted by a qualified professional to evaluate the presence of suitable habitat for unique, rare and/or endangered, threatened and special concern species.
- c. Evaluate the potential impacts on the resources identified, including a quantitative assessment of potential removal or disturbance of existing wildlife and habitat areas, and necessary mitigation measures designed to offset, reduce, or eliminate such losses.
- d. Review the Town's Bio Diversity Report, prepared by John Mickelson, November 2008, included in Appendix V of the Town's Comprehensive Plan as it relates to Fish and Wildlife.
- e. Evaluate the potential impacts on the resources identified. Mitigate if necessary, and conduct on-site surveys as required.

D. Land Use and Zoning

1. Describe existing land uses of the subject property and the surrounding area.
2. Discuss the compatibility of the proposed project with the character and development trends of the surrounding area.
3. Mapping of the site in relation to all parks, open space, conservation easements as well as other land protection measures and the Long Path Hiking Trail, in proximity to the site shall be provided.
4. Discuss potential impacts on adjacent land uses and appropriate mitigation for the action.
5. Describe zoning for the project site and immediate vicinity.

6. Discuss proposed development under Open Development scenario.
7. Discuss conformance of the project with the Town's adopted Comprehensive Plan, including specific consideration of the Town's ridgeline, steep slopes and wetlands protections policies, the Town's Open Space Citizen's Committee Report, the Town's Tree Preservation Law, and any other relevant local planning documents.
8. Discuss the project's compliance with all subdivision standards and other criteria set forth by the Town of Clarkstown Code. This discussion shall clearly indicate the extent to which any modifications or waivers of such standards and other criteria or any variances from such regulations would be required to carry out the project as proposed.

E. Aesthetic Resources

1. Describe through the use of narrative text and graphics (photographs, a photographic simulation, plan, section, visual profile with sight lines, or other graphic representation as requested by the Planning Board), the visual character of the proposed action and its environs.
2. The analysis will describe:
 - a. The existing visual character of the project site and its environs within ½ mile.
 - b. The change in visual character resulting from implementation of the proposed action as viewed from the surrounding area, including locations identified by the Planning Board as listed below;
 - Long Path
 - NYS Route 9W looking North (near the crest of the hill).
 - Nyack High School
 - Sierra Vista Clubhouse Pool
 - Tappan Zee Bridge (looking northwest)
 - East Shore of the Hudson River (looking west)
 - c. Mitigation measures proposed to lessen the visual impact of the proposed action including but not limited to such matters as landscaping, preservation of existing vegetation, and preservation of existing topography.

F. Transportation and Road Access

1. Road Access - Characteristics of the existing private road will be described including road width, road grades and proposed driveway access connections. The available sight distance at the intersection of Old Stone Road and Christian Herald Road will be shown on the grading plan.
2. Methodology - Existing traffic access and capacity conditions will be compared to conditions that would be anticipated from implementation of the proposed action, the traffic analysis will evaluate roadway and intersection characteristics, volumes and traffic controls. The study will address potential impacts associated with implementation of the proposed action, and will identify proposed traffic and safety improvements or other mitigation measures designed to lessen the impact of the project on the adjacent road network if required. Intersection analyses and methodologies shall conform to current ITE practices. All of the data collected and analyzed will be summarized in maps or tables.
3. Study Area Intersections – Data collection will include counts and turning movements at the following intersection locations:
 - **Christian Herald Road and Old Stone Road**
 - **Storms Road and Christian Herald Road**
4. Peak Hours -- The AM and PM peak hour traffic volume counts will be conducted on a Tuesday, Wednesday or Thursday while school is in session.
5. Roadway Analysis -- Existing streets will be inventoried to determine street widths, speed limits, number of travel lanes, sight distance measurements at the site access point onto Christian Herald Road, and prevailing speeds of traffic on Christian Herald Road. Road profiles of the proposed site access road shall be provided.
6. Analysis of Impacts -- The capacity of each intersection for the existing, no-build, and build conditions will be calculated. The potential traffic generation resulting from the proposed use will be estimated based on the most current Institute of Transportation Engineer's *Trip Generation Manual*.
7. Mitigation -- Mitigation in the form of recommendations for roadway and intersection improvements, traffic controls, and future monitoring, shall be identified.

G. Community Facilities and Services

1. The Proposed project may create the need for additional community services including police and fire protection, emergency services, utilities (water, sewer, gas and electricity) and solid waste disposal. Each service area will be quantitatively described as to its existing capacity.
2. The impact of the proposed project on each service area will be estimated, according to generally accepted practices. Potential impacts will consider the capacity of existing infrastructure to handle the additional demand, and the potential need for improvements, if necessary.
3. Access for emergency service vehicles shall be discussed. Accessibility of the proposed lots relative to fire and ambulance service shall be identified.
4. A description of all maintenance and repair responsibilities of the current and future users of Old Stone Road shall be discussed.
5. Availability of public water for the purpose of fire fighting shall be identified and discussed. Discussion of dry hydrant alternatives, including the installation of a public water main shall be included. It is anticipated that all homes will have sprinkler systems. The use of water storage tanks and emergency generators will be evaluated.
6. Proximity of the existing water and sewer districts to the proposed project shall be discussed. An analysis of inclusion of all or portions of the site in these municipal service districts shall be conducted. Out of District service availability shall be discussed.
7. A discussion will be included of dedication of land to the Town for open space/recreation, or alternatively payment of a sum of money in lieu thereof.
8. Mitigation measures necessary as a result of the proposed action will be discussed.

H. Construction Related Impacts

- a. Description of existing ambient noise levels.
- b. Discuss all potential construction-related impacts including but not limited to dust, trucking, and blasting.
- c. Discuss mitigation measures to be incorporated in the design of the proposed action, if necessary.

IV. UNAVOIDABLE ADVERSE IMPACTS

This section of the DEIS will identify impacts that are likely to occur despite mitigation measures, and will assess the adverse implications of these unavoidable impacts.

V. ALTERNATIVES

This section of the DEIS will evaluate and compare alternatives to the proposed action, which are listed below. The following alternatives will be studied:

- A.** The “No Action” Alternative as required under 6 NYCRR 617.9.b.5.
- B.** Standard Subdivision Layout

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Identification of those natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed action.

VII. GROWTH INDUCING ASPECTS

A description and analysis of potential growth-inducing aspects of the project will be provided. Special attention will be paid to how the development of the proposed action might affect local business, population characteristics, community character and community services.

VIII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

A description of the effect of the proposed action on the short and long term use and conservation of energy resources will be provided including ways to reduce inefficient or unnecessary consumption during construction and long term operation.

IX. APPENDICES

The appendices will include a list of all underlying studies and reports relied upon in preparing the DEIS, technical exhibits and studies (including the Storm Water Pollution Prevention Plan, Traffic Impact Study, Wetland Delineations), background information relevant to the proposed action such as this Scoping Document and other relevant SEQR documents, a list of involved and interested agencies, and relevant correspondence with involved agencies and persons.

X. Distribution

A copy of this document will be sent to the following:

Lead Agency

Shirley Thormann, Chairperson
Town of Clarkstown Planning Board
Clarkstown Town Hall,
10 Maple Avenue
New City, NY 10956

Involved Agencies

Federal

Brian Orzel
United States Army Corps of Engineers
Jacob Javits Federal Building
26 Federal Plaza
New York, NY 10278-0090

New York State

Commissioner
NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Regional Permit Administrator
NYS Department of Environmental Conservation
Region 3
21 South Putt Corners Road
New Paltz, NY 12561

Rockland County

Thomas B. Vanderbeek P.E., Commissioner
Rockland County Planning Department
239 GML Referral
Robert L. Yeager Health Center
Building T, 50 Sanatorium Road,
Pomona, NY 10970

Joan Facelle, M. D., Commissioner of Health
Rockland County Department of Health
Robert L. Yeager Health Center
Building D, 50 Sanatorium Road
Pomona, NY 10970

Diane Phillips P.E., Executive Director
Rockland County Sewer District No. 1
4 Route 340
Orangeburg, NY 10962

Town of Clarkstown

Shirley Thormann, Chairperson
Clarkstown Planning Board - Subdivision Approval
10 Maple Avenue
New City, New York 10956

Dennis Letson P.E.
Clarkstown Department of Environmental Control - Sewer Permit
10 Maple Avenue
New City, New York 10956

Wayne T. Ballard P.E.
Clarkstown Highway Department
12 Seeger Drive
Nanuet, New York 10954
(845) 623-7500

Alex J. Gromack, Supervisor – Open Development Special Permit
Clarkstown Town Board
10 Maple Avenue
New City, New York 10956

Interested Agencies

Amy Mele, Esq.
Clarkstown Town Attorney
10 Maple Avenue
New City, New York 10956

Charles Maneri
Clarkstown Building Department
10 Maple Avenue
New City, New York 10956

Peter T. Noonan, Chief
Clarkstown Police Department
20 Maple Avenue
New City, NY 10956

Chief
Valley Cottage Fire District #13
20 Lake Road
Valley Cottage, NY 10989
(845) 268-7247

Dr. James Montesano
Superintendent
Nyack Central School District
13A Dickinson Avenue
Nyack, NY 10960

Charles Vezzetti
Rockland County Department of Highways
23 New Hempstead Road
New City, New York 10956

Mayor Michael Esmay
Village of Upper Nyack
328 N. Broadway
Upper Nyack, NY 10960
(845) 358-0084

Mr. William Pfaff – Planning Board Chairman
Village of Upper Nyack
328 N. Broadway
Upper Nyack, NY 10960
(845) 358-0084

Mr. James F. Hall – Director
Palisades Interstate Park Commission
Administration Building
Bear Mountain, NY 10911-0427
(845) 786-2701

NY-NJ Trail Conference
156 Ramapo Valley Road – US Route 202
Mahwah, NJ 07430-1199

Scenic Hudson
One Civic Center Plaza
Suite 200
Poughkeepsie, NY 12601
(845) 473-4440

Project Applicant

Glenn and Olive Blinn.
2 Old Stone Road, Valley Cottage, NY 10989

Project Attorney

Don Tracy, Esq.
C/o Tracy & Edwards, 317 South Little Tor Road, New City, NY 10956

EIS Preparer

TIM MILLER ASSOCIATES, INC.
10 North Street, Cold Spring, NY 10516

Land Surveyor

ATZL, SCATASSA & ZIGLER, PC
234 North Main Street, New City, NY 10956

Stormwater Management Engineer

ATZL, SCATASSA & ZIGLER, PC
234 North Main Street, New City, NY 10956

Town of Clarkstown Consultants

Mr. Robert Geneslaw – SEQRA Planning Consultant
368 New Hempstead Road
Suite 320
New City, NY 10956

Mr. John Sarna P.E. – Traffic Engineering Consultant
105 Philips Hill Road
New City, NY 10956