

DRAFT SCOPE

Identifying the Potentially Significant Adverse Impacts, Mitigation Measures and Alternatives Pursuant to State Environmental Quality Review Act ("SEQRA") 6 NYCRR 617.8.

Name of Action:

The Breakers Site Plan and Conditional Use Permit

Location	Town of Stony Point, Rockland County, NY
SEQRA Classification	Type 1
Submitted	December 9, 2016
Public Scoping Hearing	January 28, 2015 at 7:00 PM RHO Building 5 Clubhouse Lane Stony Point, NY 10980

Lead Agency and Contact Person

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INTRODUCTION

A Draft Environmental Impact Statement (DEIS) will be prepared in accordance with the requirements of 6 NYCRR Part 617.9, to assess the potentially significant adverse impact of a waterfront mixed-use development including residential dwelling units in multi-unit structures, townhouses, retail buildings, restaurants, structured parking, boat slips, marina and public esplanade. The proposed development site is located on Hudson Drive approximately 600 feet north of the intersection with Tomkins Avenue in the Town of Stony Point, Orange County, New York. Consistent with 6 NYCRR 617.8, the primary goals of this scope are to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant and/or insignificant.

The Project Sponsor declared his intent to prepare a DEIS upon submission of his application site plan and conditional use permit applications and therefore pursuant to 6 NYCRR 617.6(a)(4) no EAF will be required. Additionally, pursuant to 6 NYCRR 617.8 the Project Sponsor initiated public scoping with the submission of this Draft Scoping Document on December 10, 2015.

The Planning Board announced its intent to declare lead agency status on December 10, 2015 and preliminarily classified the action as Type 1 (over 62 units to be connected to existing public water and sewer on lands substantially contiguous to publicly owned or operated parkland). Being that the Project Sponsor initiated public scoping by submitting the draft scope with their application, and that SEQR timeframes require that a final scope be adopted by February 6, 2015, the Planning Board is scheduling a public scoping session on January 28, 2015 at 7:00 PM at Rho Building - 5 Clubhouse Lane - Stony Point, NY 10980. Barring objection by involved agencies, the Planning Board will assume lead agency status on January 11, 2015 and circulate a Positive Declaration and public notice of this meeting in the newspaper of record and in the Environmental Notice Bulletin.

The applicant has agreed to extend the time period for adopting a Final Scope until February 25, 2015 and therefore the time period to submit written comments will remain open until no earlier than February 7, 2016.

Potentially significant adverse impacts of the project identified by the Planning Board at the time of this Draft Scope include but are not limited to the following:

1. The proposed construction is located in a 100-year flood zone;
2. The proposed action is proposed adjacent to State and Federal Jurisdictional wetlands;
3. The proposed construction is located in an area with limited access to emergency vehicles;
4. The proposed construction has the potential to impact traffic at area intersections;
5. The proposed construction has the potential to impact limited water and sewer resources;

6. The proposed construction has the potential to result in visual impacts to public viewpoints;

PROJECT DESCRIPTION

The parcel is bound by private properties on the south; the CSX Railroad Corporation right-of-way to the west; the Stony Point Battlefield State Historic Site and lighthouse to the north; and by the Hudson River on the east. The site is currently occupied by a marina and its various industrial buildings and boat yards, used for offices, boat repair, and storage. Redevelopment of the site envisions demolishing existing buildings and investigating and cleaning environmental hazards associated with its current use.

The property will be redeveloped as a multi-family residential complex with a commercial component concentrated on its south end and a public esplanade along the entirety of its Hudson River frontage. It is designed for approximately 210 units of proposed housing in accordance with the density standards promulgated by the Stony Point Zoning Local Law for mixed-use waterfront developments. Residential units will be divided into at least four buildings to break up the bulk of a single monolithic structure.

In accordance with the Stony Point Zoning Local Law, height of the buildings is to be measured from the higher of existing grade or the FEMA 100-year storm elevation plus two feet and will not exceed 45 feet.

The design of these residences will maximize views and reflect the Colonial and Victorian styles characteristic of Stony Point's historic architectural patrimony. Proposed building materials will be in keeping with the existing architecture, using durable low-maintenance materials for exterior finishes. A pool, lawns and patios for use of residents will be situated on the north end of the development with walkways circumventing the pool area.

A 2-story building located at the south end of the site (accessed through Hudson Drive) will contain restaurant with terrace, commercial and office spaces, and 250 boat-slip full-service marina.

REQUIRED APPROVALS

It is anticipated that the following approvals will be required:

Site Plan -	Stony Point Planning Board;
Conditional Use -	Stony Point Planning Board;
Waterside Improvements -	US Army Corps of Engineers;
Sewer Hookups -	Stony Point Town Board;
Sewer Main Extension -	Rockland County Health Department;
Water Main Extension -	Rockland County Health Department;
Acceptance of Esplanade -	Stony Point Town Board;
Protection of Waters -	Department of Environmental Conservation;

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Tidal Wetlands, SPDES - Department of Environmental Conservation;

Additionally, the following interested agencies have been identified that may have interest in the proposed development:

Town of Stony Point Fire District;
Town of Stony Point Ambulance Corps;
Town of Stony Point Floodplain Administrator
Stony Point Waterfront Advisory Commission (Planning Board);
Stony Point Architectural Review Board;
North Rockland Central School District;
Stony Point Battlefield State Historic Site;
Town of Cortlandt;

GENERAL SCOPING CONSIDERATIONS

The Draft Environmental Impact Statement ("DEIS") shall address all items in this Scoping Document and conform to the format outlined in this Scoping Document. If appropriate, impact issues listed separately in this outline may be combined in the DEIS, provided all such issues described in this Scoping Document are addressed as fully in a combined format as if they were separately addressed.

The document shall be written in the third person. The terms "we" and "our" should not be used. The Applicant's conclusions and opinions should be identified as those of the "Project Sponsor," "Applicant" or "the Developer."

Narrative discussions should be accompanied by appropriate charts, graphs, maps and diagrams whenever possible. If a particular subject matter can most effectively be described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically.

The entire document should be checked carefully to ensure consistency with respect to the information presented in the various sections. The document will be concisely written and information will be cross-referenced rather than repeated.

Environmental impacts should be described in terms that the lay person can readily understand (e.g., truck-loads of fill and cubic yards rather than just cubic yards).

All discussions of mitigation measures should consider at least those measures mentioned in the Scoping Outline. Where reasonable and necessary, mitigation measures should be incorporated into the Proposed Action if they are not already included.

The DEIS is intended to convey general and technical information regarding the potential environmental impacts of the proposed project to the Lead Agency, as well as several other agencies involved in the review of the proposed project. The DEIS is also intended to convey the same information to the interested public and Interested Agencies. Enough detail should be

provided in each subject area to ensure that most readers of the document will understand, and be able to make decisions based upon, the information provided. Highly technical material will be summarized and, if it must be included in its entirety, referenced in the DEIS and included as an Appendix.

To the greatest extent practicable, the DEIS should contain objective statements and conclusions of facts based upon technical analyses. Subjective evaluations of impacts where evidence is inconclusive or subject to opinion should be prefaced by statements indicating that "It is the Applicant's opinion that...". The Lead Agency reserves the right, during review of the document, to require that subjective statements be removed from the document or otherwise modified to indicate that such subjective statements are not necessarily representative of the findings of the Planning Board.

Full scale plans will be included with the DEIS as an appendix and reduced copies of such plans will be included in the text of the DEIS. Interested agencies may be given all appendices in Adobe Portable Document Format (.pdf) on a CD-ROM. The entire document will be provided in .pdf format, for posting on the Town's website, once it has been deemed "complete" by the Planning Board.

PRIOR ENVIRONMENTAL REVIEW

The Town of Stony Point adopted a Negative Declaration of Environmental Significance at the time that the zoning for mixed-use waterfront developments was added to the PW District. This negative declaration was based on a generic impact analysis of the type of development that could proceed under the zoning that was adopted.

It is not necessary that analyses and investigations conducted for that SEQR be repeated or duplicated within the DEIS. To the extent that potential impacts have been previously considered the DEIS may instead:

1. Identify the considerations upon which the Town Board based their Negative Declaration;
2. Verify that the proposed development is within the thresholds established for consideration of potential impacts (e.g. height and bulk for visual impact, anticipated schoolchildren for school impacts, trip generation for traffic, etc.);
3. Update and provide more detail on the proposed project to establish that impacts would not result as a result of the specific development as proposed in comparison with the generic development envisioned when the zoning was adopted;
4. Update information that may have changed since the adoption of the zoning, or that may have been generic or dated when the zoning was adopted (e.g. traffic counts at area intersections)

DEIS SCOPE AND CONTENT

I. COVER SHEET

The DEIS must begin with a cover sheet that identifies the following:

Draft or Final Environmental Impact Statement

Name of Project

Location of Project (County, Town)

Name of Lead Agency and contact Information

Name and Address of Preparer

List of all Consultants Involved with the Project

Name and Telephone Number of Contact Person

Date of Public Hearing and Deadline Date for Comments on Draft EIS

II TABLE OF CONTENTS AND SUMMARY

A. Table of Contents

B. Project Summary

An Executive Summary shall be required and will provide a précis of the more comprehensive information included within the document. No information will be included in the Executive Summary that is not found within the body of the document. The executive summary will include the following elements at a minimum:

- 1. Description of Action**
- 2. Significant, Beneficial, and Adverse Impacts**
- 3. Proposed Mitigation Measures**

4. Alternatives
5. Regulatory Requirements: List of required Permits and Approvals

III. PROPOSED DESCRIPTION AND NEED

A. Project, Sponsor, Objective, and Public Need

1. Background and History of Sponsor and Project
2. Public Need for Project
3. Objectives of Sponsor
4. Benefits of Proposed Action
 - a. Social
 - b. Economic

B. List of Involved and Interested Agencies

C Location

1. Geographic Boundaries of Site with map.
2. Access to Site
3. Existing Zoning

D. Design and Layout

1. Environment Character of Site and Adjacent Land
2. Total Site Area
 - a. Proposed Impervious Surface
 - b. Amount of Land to be Cleared
 - c. Open Space and Wetlands
 - d. Proposed Facilities – General discussion of number and size of buildings, proposed uses, number of units and general layout including public esplanade. General discussion of proposed utilities. Include concept plan.
 - e. Building Envelopes
3. Design consideration and construction methods relative to location within a FEMA 100-year floodplain (A and V zones);

E. Construction

1. Total Construction Period Anticipated and hours of daily operation.
2. Construction Schedule and Associated Factors (i.e. Employment)
3. Phasing

IV. PHYSICAL ENVIRONMENTAL SETTING AND IMPACT/MITIGATION ANALYSIS

A. Geology

Existing Conditions

1. Summary of existing site geology
2. Description of the depth to bedrock;
3. An assessment of potential impacts to site geology based on proposed grading plans, what impacts will result if geology is encountered and how those impacts will be mitigated.

B. Soils and Topography

Existing Conditions:

1. Soil Types based on the Rockland County Soil Survey and distribution on the site.
2. Soil Characteristics – potential for erosion or other limiting factors of soil types, if any.
3. General description of site topography, identification of slopes over 15% and 25% and discussion of the amount of proposed disturbance within these slope categories.
4. Impacts from disturbance of soils based on conceptual grading plans and discussion of amount of soil to be imported or exported from the site.
5. Impacts from proposed retaining walls.
6. Mitigation of impacts including but not limited to conceptual Erosion Control and Sediment Control Plan in Accordance with the “New York State Guidelines for Urban Erosion and Sediment Control

C. Ecology

1. Identify and catalog species of plants and fauna found on site or potentially to be found on site. Include correspondence with the DEC Natural Heritage Program.
 - a. Impacts to Plant and Animal life as a Result of the Proposed Construction Activity and Post Development Impacts on both a long and short term basis. Habitat loss, lighting and noise impacts, etc.
 - b. Identify species which are included on federal and/or state lists of endangered, threatened, protected/invulnerable species which may be found on the site or in the immediate vicinity. Describe their habitat

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characteristics and the likelihood of the habitat being located on the project site.

c. Identify potential impacts and required mitigations.

2. Impacts to Regulated Wetlands or Watercourses

a. Identify size and jurisdiction of wetland areas and any required regulated areas.

b. Site construction impacts including the amount of disturbance and whether disturbance will be temporary or permanent.

c. Impacts from Stormwater

d. Hudson River aquatic impacts

e. Identify required mitigations.

D. STORM DRAINAGE

1. Existing Drainage Patterns and Proposed Stormwater Drainage Plans shall be described and presented on maps.

a. Long and short term impact and mitigations

b. Pre-construction drainage calculations

c. Post construction drainage calculations – include relevant water quantity and/or water quality provisions as per the most up-to-date NYS DEC regulations

V. SOCIOECONOMIC SETTING AND IMPACT ANALYSIS

A. Land Use and Zoning

1. Existing Zoning of the Site and Surrounding Areas. Reference zoning that was prepared for the project and the analysis that was done during that adoption and discuss compliance with that zoning.

2. Compliance with current Town Master Plan

3. Compliance with other applicable Town Zoning Regulations. Discuss the need for any variances or waivers.

4. Compliance with the Stony Point Local Waterfront Revitalization Plan.

B. Historical and Archaeological Conditions

1. A Phase 1A Archaeological site investigation analysis will be provided identifying the potential for encountering archeological resources based

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on a literature search and sensitivity study. The potential presence of archeological resources will consider the extent to which previous site construction and disturbance precludes the presence archeological resources. Any Phase 1B investigations should be limited to those areas of impact that are likely to contain archeological resources and do not have a record of previous site disturbance for site grading and building construction.

2. Any proposed impacts will be identified and mitigations proposed.

C. Traffic

1. The traffic capacity analysis performed for the mixed-use waterfront development zoning amendments shall be updated with more recent counts on all intersections considered in that analysis. Counts shall be taken when school is in session. Additionally the update shall address the eight identified limitations to that analysis (under "discussions".) Any new developments not considered by that analysis and anticipated to be constructed prior to build year of the proposed project shall be considered.
2. Identify current levels of use and potential traffic safety concerns at the impacted intersections;
3. Describe any pedestrian amenities, trails, crosswalks, means of destrian safety. Describe any available public transportation.
4. Potential adverse impacts to capacity and or safety of vehicular, non-motorized or public transportation shall be identified. The potential need for the improvements described in the traffic capacity analysis for the
5. Any proposed mitigations shall be identified.

D. Visual Resources

1. This section should discuss any change in visual character of the area as a result of the Proposed Action by presenting architectural elevations and/or renderings of the proposed structures and public open space. Additionally a visual analysis illustrating the topographic and roof-height relationship of the Proposed Action to surrounding properties. A balloon test or similar test shall be conducted during leaf-off months and photographed (using 35mm to 50mm focal length) from vantage points identified in the EAF Part 3 for the mixed-use waterfront development zoning amendments. The Town shall be notified at least 14 days prior to the tests in order to allow the Town to publish advertisement of the test. photographs from the Stony Point Battlefield will also be taken.

2. Describe site lighting in terms of proposed fixture locations, spacing and wattage for building-mounted lighting, parking area lighting and lighting of the public esplanade and boat slips. Potential impacts to neighboring uses and night sky shall be assessed.
3. Describe proposed landscaping plan.
4. Potential adverse impacts and proposed mitigations shall be identified.

E. Community services, existing levels and projected needs.

1. Domestic water supply. Central water system. Describe existing systems and proposed improvements. Calculation of anticipated usage and describe and provide plan of proposed system with sizing calculations.
2. Municipal sewer system. Describe existing system and proposed improvements. Calculation of anticipated usage and provide plan of proposed system and sizing calculations.
3. Fire and Police Department. Describe existing service from each department and response time to protect site. Discuss the ability of each department to provide service and demonstrate coordination with each department. Emergency access by firefighting equipment during 100-year flood events should be discussed.
4. This section shall discuss any relevant town and/or county plans and policies regarding the management of solid waste as well as the anticipated volume of solid waste and proposed method of collection or disposal.
5. School district. The project shall revisit the consideration to school impacts made during the SEQRA review of the proposed PW zoning amendments allowing mixed-use waterfront developments and update and discuss as appropriate based on more detailed project considerations available.
6. Fiscal Impact. Based on the per capita multiplier average costing method, a fiscal impact analysis shall be provided that predicts the per capita cost of the proposed development to the Town of Stony Point and North Rockland School District. Tax revenues shall be predicted based on proposed sales prices taking into account the fee-simple or condominium ownership of proposed residential units. Proposed non-residential uses shall be estimated using area comparables on a square footage or other appropriate basis.

VI. ALTERNATIVES

A. Alternative Design and Technologies

1. No Build/Action
2. Maximum-density proposal under PW District provisions, or if preferred proposal is a maximum-density proposal, then a reduced-density proposal that meets the objectives of the project sponsor shall be considered.

VII. CUMULATIVE IMPACTS

- A. Potential Impacts Resulting from the Proposed Project with Respect to Existing Land Uses and Other Projects/Development in the Area.

VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT ON RESOURCES

- A. Human or Natural Resources that will be Consumed, Converted, or Made Unavailable for future Use as a Result of this Project.

IX. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

- A. Adverse Environmental Impacts associated with the Project that cannot be Avoided Despite any Proposed Mitigation.

X. IMPACTS OF THE PROPOSED USE ON THE USE AND CONSERVATION OF ENERGY.

This discussion is required by SEQR regulations. The energy service provider should be identified and any improvements required for service. Any energy saving techniques should be discussed.

XI. APPENDIX

- A. List of consultants with addresses and telephone numbers
- B. List of references
- C. Copies of correspondence relating to this project.
- D. Underlying studies, reports and information considered and relied on in preparing the DEIS.