

**SEQR Final Scoping Document**  
FOR THE PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT

**Name of Action:** MOUNTAIN VIEW ESTATES

**Location of Action:** TOWN OF WARWICK, ORANGE COUNTY, NEW YORK

**Date Adopted:** April 2, 2008

**Lead Agency:** Town Of Warwick Planning Board  
132 Kings Highway  
Warwick, NY 10990  
(845) 986-1124

## 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 impacts of a proposed 51 lot subdivision of a ± 171-acre site. The proposed development site is located on Old Ridge Road in the Town of Warwick, Orange County, New York. This Final Scoping Document will serve as a guide to the contents of the DEIS rather than a strict table of contents. The DEIS must address all of the issues raised in this document but the DEIS may contain studies in addition to those detailed herein.

The proposed Mountain View Estates Subdivision was classified as a Type I Action and was subject to a Positive Declaration, issued by the Town of Warwick Planning Board on July 18, 2007. At that time, the Planning Board directed the applicant to prepare a DEIS. Potentially significant adverse impacts of the project identified by the Planning Board include, but are not limited to, the following:

1. The proposed action would require construction activities on slopes of 15 percent or greater and in areas where bedrock is at or near the surface. This has the potential to cause soil erosion and subsequent sedimentation of protected surface waters.
2. The proposed action includes construction activities adjacent to protected wetlands and streams. The discharge of stormwater runoff from developed areas on the site would be directed to such wetlands and stream.
3. The proposed action would require the use of approximately 27,560 gallons of water per day from 51 individual groundwater wells to supply the potable needs of the future residents of the development. Approximately the same amount of sanitary sewage would be discharged into 51 individual septic disposal systems. These proposals for individual water supply and sewage disposal may not meet the requirements of Chapter 137-25(B) of the Warwick Town Code (the Planning Board authority to require “*public sanitary and/or water system may be required for any subdivision*”) nor the Realty Subdivision requirements found in New York

State’s Public Health and Environmental Conservation regulations at 10 NYCRR 74 and 6 NYCRR 653.

4. The proposed action will irreversibly convert soils of statewide significance and potentially prime agricultural soils on active farmland within a New York State Agricultural District and is in an area where the Town of Warwick has made significant expenditures of public funds for the purchase of development rights on adjoining farmland and nearby farms.
5. The proposed action has the potential to impact traffic on local and county roads as well as pedestrian movements in the area.
6. The proposed action is located within the Town of Warwick Ridgeline Overlay Zoning District and therefore, has the potential to affect scenic views known to be important to the community.
7. The proposed action would require approximately one (1) mile of new Town roads, potentially affecting Town services.
8. The proposed action has the potential to affect community service providers including fire, police, and schools from the additional Town residents and school children generated by the 51 new single-family dwellings.

## PROJECT SCOPING

Public Scoping was conducted through circulation of a Draft Scoping Document, prepared by the applicant, to all involved and interested agencies and members of the public, by posting of the document on the Town’s Web Site and availability of the Draft Scoping Document at the Town Hall for viewing or copying. A public scoping session was conducted after publication of a notice of a DEIS Scoping Session appeared in the official Town newspaper. The scoping session took place at a Planning Board meeting on February 6, 2008 and the period for public comment on the Draft Scoping Document ended on February 16, 2008.

## DESCRIPTION OF THE PROPOSED ACTION

The applicant, Elljay Development, Inc., is proposing a 51-lot residential cluster subdivision of a ± 171-acre parcel, commonly known as Panoramic Farms. The applicant has proposed that all 51 lots, proposed for 51 new single-family dwellings, be served by individual wells and individual septic disposal systems. Four of the proposed 51 lots would be designated for affordable housing under the Town of Warwick’s affordable housing program and are subject to issuance of a Special Use Permit by the Planning Board. Approximately 5,400 feet of new roads are proposed along with two common driveways that would serve 11 dwellings. The site consists predominantly of approximately ± 54 acres of farmland (32% of the site), ± 112 acres of forested land (66% of the site), and ± 2.5 acres of State Protected Freshwater wetlands (0.15% of the site). Additional areas of Federal Jurisdictional Wetlands may also be located on the parcel. The applicant has proposed that 53.5 percent of the site be conserved as open space under a proposed cluster subdivision plan.

The property lies within the Town’s Rural, Mountain, Ridgeline Overlay, and Agricultural Protection Overlay Zoning districts.

The project site is located on both sides of Old Ridge Road approximately 1,600 feet south of the intersection with Taylor Road and approximately 500 feet north of the intersection with Ridgeway Loop in the Town of Warwick, Orange County, New York. The site is identified on the Town of Warwick tax maps as parcels Section 18, Block 1, Lot 2.

## GENERAL SCOPING CONSIDERATIONS

Unless otherwise directed by this Scoping Document, the specifications for environmental impact statements found in 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 will be written in plain language that can be easily read and understood by the public. Highly technical material will be summarized and, if it must be included in its entirety, referenced in the DEIS and included as an Appendix.

The DEIS will be written in the third person without use of the terms I, we, and our. Narrative discussions will be accompanied to the greatest extent possible by illustrative tables and graphics. All graphics will clearly identify the project site, and footnotes are the preferred form of citing references. All assertions will be supported by evidence. Opinions of the applicant that are unsupported by evidence will be identified as such.

Full scale Subdivision Plans (including the 4 step process and other cluster subdivision maps) are to be included with the DEIS as an appendix and reduced copies of such Plans will be included in the text of the DEIS.

## DEIS SCOPE AND CONTENT

- A. Cover Sheet. The DEIS shall begin with a cover sheet identifying the following:
1. This it is a Draft Environmental Impact Statement
  2. Date Submitted.
  3. The name and location of the project.
  4. The Town of Warwick Planning Board is acting as the Lead Agency for the Project with the name and telephone number of a person at the Agency to be contacted for information.
  5. The name and address of the Project Sponsor, and the name and telephone number of a contact person representing the Sponsor.

6. The name and address of the primary preparer(s) of the DEIS and the name and telephone number of a contact person representing the preparer.
7. Date of acceptance of the DEIS and date of SEQR public hearing (to be inserted at a later date).
8. The deadline by which comments on the DEIS are due (to be inserted at a later date).
9. A list of all Consultants involved with the project with associated names, addresses, telephone numbers and project responsibilities.
10. Table of Contents: The DEIS will include a table of contents identifying major sections and subsections of the document including a list of figures, tables, appendix items, any items submitted under separate cover, and a list of any additional DEIS volumes, if any.
11. Environmental impact issues for which the applicant submitted plans and data, all SEQR documents (including Full Environmental Assessment Form, Positive Declaration/Circulation Notice, Final Scoping Document, technical letters from involved and interested agencies) proposed mitigation measures, and correspondence prior to the Planning Board's Positive Declaration, will be resubmitted in the DEIS as an Appendix. Summaries of the materials or reference to them will be included in the DEIS to provide a complete record of all environmental review issues and their consideration.

## SECTION 1: SUMMARY OF DEIS

The DEIS shall include a summary. The summary will only include information found elsewhere in the body of the DEIS but at a minimum shall include:

1. A brief description of the action (51-lot cluster subdivision of which 47 Lots are by right with 4 affordable housing units and associated internal road network.) Access to the Site will be from Old Ridge Road with proposed through road connections to adjoining lands to be built at a later date, if warranted. The proposed water and sewer services, including a discussion of individual septic systems and drilled wells or newly created water and sewer districts in accordance with § 137-83B of the Town Code.
2. A list of Involved Agencies with required approvals and permits.
3. A brief listing of the existing conditions, anticipated impacts, and proposed mitigation measures for each impact discussed in the DEIS. The presentation and format will be simple and concise.
4. A brief description of the project alternatives considered in the DEIS. A comparative assessment of the beneficial and adverse impacts of the alternatives, relative to each issue identified in the Final Scoping Document, will be provided in tabular format.

## SECTION 2: DESCRIPTION OF PROPOSED ACTION

Section 2 of the DEIS will provide a description of the project site and its location, a description of the proposed project, the public need and targeted demographic, as well as the social and economic benefits of the project to the Town, the objectives of the project sponsor, and a description of required approvals, reviews, and permits. The DEIS shall include the following information:

- A. Introduction: The introduction will provide a description of the purpose of the Draft Environmental Impact Statement including a statement of the steps in the SEQRA process as it relates to the project.
- B. Site Description: The site description will include the following:
  1. Precise location, size, zoning and tax lot number(s) for the parcel. Provide a copy of the deed and other relevant property information in an appendix.
  2. Description of existing character of the site and surrounding area within one-half mile. This shall include natural features such as streams, wetlands, ponds, woodlands or other significant features, prominent land use characteristics such as residential subdivisions, hamlets or Villages or agriculture type uses and overall general characteristics of the surrounding area and transportation corridors. Particular attention will be made to surrounding agricultural uses, especially those parcels within one-half mile of the site that have been included in the Town’s Purchase of Development Rights (PDR) program or proposed for inclusion in such program. Other parcels currently proposed for development or recently approved for development including Hampton Hill, Fusco, and Eagle Trace will also be described.
  3. Brief history of former uses of the site and any permits or approvals associated with prior uses, if any.
  4. An identification of the exact dimensions of the property through a survey prepared by a licensed land surveyor, including any easements, rights-of-way, restrictions or other legal devices affecting the subject property’s development potential. The survey will also delineate overlay district boundaries and will include a calculation of the amount of restricted areas on the site such as the acreage of easements, freshwater wetlands and regulatory adjacent areas or buffers, streams, floodplains, slopes equal to or greater than 15 percent, and hydric soils. Other resources of significance, as outlined in § 164-41.1.E(2) of the Town Zoning Law, will be included, such as prime farmland and statewide significant soils. The Site Context Map and Existing Resources and Site Analysis Plan, as required by § 164-41.1.E(1)(f) of the Zoning Law will also be provided.

- C. Project Description: The Section shall include a description of the project and its potential impacts as identified in “Section 3” herein. Alternatives considered shall be discussed including conventional type subdivision and alternative cluster subdivision designs.
- D. Description of the infrastructure serving the project site and/or its immediate environs including site access and the road network within a one-half (1/2) mile radius of the site.
- E. Subdivision Plans. A description of the proposed Subdivision Plan’s conformity to the Town Zoning Law and Subdivision Regulations will be presented in narrative and graphic forms. This will include a written and detailed description of the proposed action, including the proposed use, all proposed project components and site amenities, and all information required by the Town of Warwick Zoning Law and Subdivision Regulations, including, but not limited to:
- Four Step Design Process
  - Yield Plan
  - Acres of open space to be protected, use of open space, and description of the method of open space preservation. Include the acreage of the proposed open space that is already restricted due to freshwater wetlands, streams, unsuitable soils for septic systems or development (from § 137, Appendix A of the Town Code) or are subject to other natural resource constraints.
  - Number and type of dwelling units.
  - Landscaping and site amenities to be provided.
  - Acres of proposed impervious surfaces.
  - On-site grading activities for road and house lot construction activities.
  - Vehicular circulation system.
  - Entrances onto local roads.
  - Pedestrian circulation and amenities such as sidewalks, potential pedestrian and/or bicycle connections to adjoining lands (especially Hampton Hill and Fusco subdivisions), and bicycle lanes or bicycle-compatible roadways within the subdivision.
  - Conformance with the Town *Design Guidelines*. Analyze and discuss the use of village-scale lots in a rural setting so that several smaller neighborhoods can be designed on the site, such as that shown on the graphic illustration.

This section will include a point-by-point description of how the proposed subdivision plan complies with or is inconsistent with the Agricultural Protection Overlay District (AP-O) guidelines for design of house lots found in § 164-41.1.H of the Zoning Law.



The yield plan required for establishing a lot

count in the proposed cluster subdivision will address the following:

- DEC Water Index # for the on-site tributary to Quaker Creek
- Justification for placement of septic systems in soils not suitable for septic systems (if any)
- Percolation and deep test pit information for each lot or use of the Environmental Control Formula found in § 164-41.3
- Profiles for proposed roads and a discussion of their design as public/private roads and common drives.

F. Utilities. This section will include a summary of the Applicant’s preferred plans for water supply and sewage disposal as well as a discussion of § 164-41.1(M) of the Zoning Law, which encourages shared or community sanitary sewage disposal systems for cluster developments. The summary will include a statement regarding a community sewerage system and a community water supply system, as required by Part 74 of the New York State Sanitary Code. This statement will include the applicant’s justification for a request for a Variance from the State requirement that all subdivisions of 50 or more lots provide such community systems (see Part 74.6). Discuss community water supply and sewerage systems in light of the other currently proposed and adjoining Hampton Hill and Fusco subdivisions (see also the need for cumulative impact analysis under Water Supply and Sewage Disposal in Section 3 below). Discuss other public utilities available to the site including electricity, telephone, cable, gas or other. See also Section 3N below.

G. Objectives of Project Sponsor. The objectives of the project sponsor will be clearly stated.

H. Project Purpose, Need and Benefits. The public need for the proposed action, including its social and economic benefits to the community, will be provided. This section will also provide a statement of consistency with adopted policies and/or plans set forth within the Town’s *Comprehensive Plan* and *Community Preservation Project Plan*. The size, scale, and potential market for the proposed dwellings will be identified and discussed. The proposed four affordable housing units will also be discussed.

I. Construction. This section will include a discussion of:

1. Expected year of project completion
2. Construction periods and phasing including a flowchart for the maximum anticipated duration, the start and completion of key milestone tasks such as site clearing, grading and fill placement, infrastructure, foundations, and site amenities
3. Safety plans if any construction activities will be on-going after any part of the subdivision is in use
4. Environmental protective measures such as stormwater pollution prevention, topsoil stockpiling, noise reduction, and soil erosion and sediment control
5. Hours and days of the week when construction operations will occur
6. Construction access and staging, including routing of heavy machinery and trucks on Town roads

7. Areas for material handling and storage
- J. Operations. This section will include descriptions of:
  1. The proposed management of the open space areas
  2. Any planned activities related to continuation of farming
  3. For community water supply and sewerage systems, the method of operation and management including district formation or Transportation Corporation.
- K. Involved and Interested Agencies and Required Approvals: List all required or requested approvals and the associated involved agencies that have permitting or approval authority. Also list Interested Agencies, which are those agencies that have expressed, or are likely to have, an interest in the project but who have no permitting or approval authority. Both Interested and Involved Agencies will receive copies of the DEIS.

Agencies identified as Interested and Involved include:

Town of Warwick Town Board  
(Involved: Water and Drainage Districts, Road Acceptance, Other Improvement Districts)  
132 Kings Highway  
Warwick, NY 10990

NYS Department of Environmental Conservation  
(Involved: Point and Non-Point SPDES, Water, Wetlands, Natural Heritage, Community Septic or other community sewerage)  
Region 3  
21 South Putt Corners Road  
New Paltz, NY 12561

NYS Office of Parks, Recreation and Historic Preservation  
(Interested: Cultural Resources)  
Field Services Bureau – Peebles Island  
PO Box 189  
Waterford, NY 12188-0189

Orange County Department of Planning  
(Interested: General Municipal Law Review)  
124 Main Street  
Goshen, NY 10924

Orange County Department of Health  
(Involved: Realty Subdivision, Sewage Disposal, Water Supply, Variance from Part 74 requirement of community water system and community sewerage system)

124 Main Street  
Goshen, NY 10924

US Army Corps of Engineers  
(Interested: Federal Jurisdictional Wetlands)  
Regulatory Branch - New York District  
Room 1937  
26 Federal Plaza  
New York, New York 10278

USEPA (Interested: EPA would be an involved party for consideration of a Class V injection well if community septic is feasible)

New York State Department of Transportation  
(Interested)  
4 Burnett Blvd.  
Poughkeepsie, NY 12603

Town of Warwick Conservation Advisory Board  
(Interested)

Florida Union Free School District  
(Interested)

United States Fish & Wildlife Service  
(Interested)  
NY Field Office  
3817 Luker Rd.  
Cortland, NY 13045

### SECTION 3: ENVIRONMENTAL SETTING: EXISTING CONDITIONS, ANTICIPATED IMPACTS AND PROPOSED MITIGATION

This section of the DEIS will identify the existing environmental conditions, potential impacts of the action, and proposed mitigation measures for each of the major issues identified in this Final Scoping Document. The format or organization of this section will include the following subsection headings for each topic:

- Existing Environmental Setting
- Potential Environmental Impacts
- Proposed Mitigation Measures

Sections 3.A ~ 3.N of the DEIS will evaluate the potential significant adverse impacts to both natural and human resources resulting from the proposed Mountain View Estates Subdivision, including cumulative impacts and secondary effects, if applicable. Cumulative impact analysis will address a number of other pending or recently approved residential developments in the immediate vicinity of the proposed project. These are listed below together with their status. Cumulative analysis will include the traffic analysis, need for community water and sewer services for developments that could feasibly be connected with the Mountain View Estates Subdivision (if such subdivision were provided with central utility services), and as appropriate stormwater runoff, town and school district services, and community character.

<b>Other Residential Developments in Project Vicinity</b>			
<b>Project Name</b>	<b>Units</b>	<b>SBL/Location</b>	<b>Status</b>
Fusco	13 du's	18-1-31.2 22 Taylor Road. @ Jessup Road	Pending
Hampton Hill	20 du's	18-1-27 Spanktown & Jessup Roads	Pending
Glenmere Preserve	210 Adult du's	113-4-2.1 & 2.2 Village of Florida	Pending
DeHaan (Pond-in-the Meadow)	3 du's	19-1-50, 51 & 52 626 State Hwy 94 N	Final Approval
Villari	4 du's	33-1-29 611 State Hwy 94 N	Final Approval
Eagle Trace	4 du's	19-1-30.2 Morgan Lane (Ridgeway Loop)	Final Approval
Dayspring-Baum	11 du's	31-2-2 & 8 Old Ridge & West Ridge Roads	Pending

Potential impacts resulting from the proposed action will be graphically presented on maps and discussed in the DEIS text. This evaluation will be objective and will constitute disclosure of both quantitative and qualitative information. Adverse impacts that cannot be mitigated will be specifically identified, the magnitude of those impacts will be evaluated and such impacts will be specifically identified in Section 4, Unavoidable Adverse Impacts.

**A. Soils and Geology**

Surface and subsurface soil and rock conditions on the site will be evaluated. Associated impacts relevant to these features, due both to site grading and long-term residential use of the site will be addressed. Specify whether blasting is anticipated; if so, quantify to the extent practicable. Constraints imposed by soils, geology, and topographic conditions will be fully evaluated, including construction limitations, permeability, and seasonal high water table.

## EXISTING SETTING

This section will include:

- Identification of the existing on-site soils according to the United States Department of Agriculture’s Orange County Soil Survey.
- Table of on-site soils identifying construction limitations, permeability, depth to bedrock, and seasonal high water table for each soil, using both the Soil Survey information as well as information found in § 137, Appendix A of the Town Code.
- Since a significant portion of the development is situated in soils which are marginally suitable for septic systems, this section should investigate the soil types mapped at septic disposal system sites and revise or verify the SCS Soil Map. The Town Code requires “central sewer” for subdivisions greater than 49 lots, unless waived by the DEC Commissioner “if warranted by soil characteristics”.
- Identification of existing rock outcrops.
- Identification of existing on-site slopes ranging from 0 -15%, 15 - 25% and greater than 25%.
- Identification of unusual geologic conditions including mapping of such areas on-site

## POTENTIAL IMPACTS

This section will include the following items:

- The proposed grading plan will be provided at a scale of 1” = 100’.
- Identification of rock and soil removal (if any), including the need for blasting. In the event that blasting may be necessary, areas of possible blasting and material quantities will be explored.
- Slopes analysis identifying the amount of disturbance within each slope category.
- Description of soils that will be disturbed by the proposed project; include the potential for disturbance to hydric soils, prime agricultural soils and soils of statewide significance.
- A discussion of potential soil erosion based on soil type.
- Identify how subsurface conditions affect septic use and if there are any foreseeable impacts on proposed or existing wells and public water supply.
- Evaluate any unusual geologic conditions associated with the bedrock and what impacts or limitations that such conditions would have on the proposed development.

## PROPOSED MITIGATION MEASURES

- Discussion of a blasting plan, if needed, including blasting methods and minimization, a blast monitoring and safety plan, and measures to be implemented to protect existing structures or nearby residential groundwater wells, if any are located near blasting locations.
- An estimate of proposed cut and fill earthwork volumes. If earthwork volumes cannot be balanced on the site, the anticipated volume of earth/rock to be imported to, or exported from the site shall be defined, the number of truck trips associated with such

import/export shall be estimated, and the anticipated routing of such truck trips shall be identified.

- Discussion of the Erosion and Sediment Control Plan, designed to be in conformance with DEC's *SPDES General Permit for Stormwater Discharges from Construction Activities that are Classified as Associated with Construction Activity*, to be implemented during the development of the site.
- Discussion of Best Management Practices.

## B. Water Resources

This Section will evaluate the pre- and post-development conditions of surface waters, floodplains, wetlands, and groundwater resources located within or in close proximity to the proposed project site, as designated by mapping provided by the Federal Emergency Management Agency (FEMA), US Geological Survey (USGA), National Wetlands Inventory (NWI), New York State DEC, and through on-site field delineations. The following reference resources are to be consulted where appropriate:

- *Reducing the Impacts of Stormwater Runoff from New Development*, NYSDEC, April 1993.
- *New York Guidelines for Urban Erosion and Sediment Control* (1997).
- Compliance with water quality mandates and guidelines promulgated by NYSDEC pursuant to Environmental Protection Agency (EPA) Phase II Stormwater Regulations (1999), including the *New York State Stormwater Management Design Manual* (August 2003).

### EXISTING SETTING

The following will be described in this section:

- Pre-development drainage patterns and conditions.
- The relationship of surface water patterns to hydrologic characteristics, including subsurface aquifers.
- Identification and classification of on-site and adjacent streams and wetlands, including State verification of all DEC field delineations (if any) and Town or Federal verification of all Federal Jurisdictional Wetlands.
- Existing stormwater patterns for 2-, 10-, 25-, 50-, and 100-year storms.
- Identification of any mapped FEMA-delineated floodplains.
- Presence, extent, and present use of groundwater resources. Determine the characteristics of the aquifer, including but not limited to its thickness, material composition, and whether it is confined or unconfined. Verify and determine the extent of the aquifer on the site.
- Existing groundwater quality and availability for on-site use.

The applicant's parcel includes the headwaters of a tributary stream to the Wallkill River and is entirely situated in the Southern Wallkill River Watershed. The watershed is undergoing stress from increased development and changes in land use. A *Wallkill River Watershed Conservation and*

*Management Plan* (January 2007) was developed by the US Dept. of Interior Soil & Water Conservation District to promote measures to restore, preserve, and enhance the Wallkill River and its tributaries through management of the uses within the watershed. The EIS should discuss how the proposed development will coordinate with the intent of the *Conservation and Management Plan*, specifically commenting on the following topics:

- Measures to restore and/or preserve the stream channel through the parcel.
- The Executive Summary of the *Conservation and Management Plan* notes that “existing regulations and other programs are not adequate to protect water quality and quantity in streams, groundwater formations, wetlands and other water bodies.” The EIS shall include discussions of:
  - Management of solid wastes (floatables),
  - Management of sanitary runoff (organics) and infiltration,
  - Management of runoff from impervious surfaces (inorganics, minerals, etc.).  
Include an impervious surface analysis.
- Measures to protect water resources.
- Measures to provide for stormwater management.
  - downstream and on-site flood control,
  - erosion control measures,
  - LID and BSD efforts (noted in the Executive Summary as approaches that attempt to minimize adverse impacts).

Measures to provide for recreational opportunities within the watershed.

## POTENTIAL IMPACTS

This section will include a discussion of the following items:

- Post-development drainage patterns and conditions.
- Stormwater quality, runoff, and peak discharge rates for the 2-, 10-, 25-, 50-, and 100-year storms. The ability of on- and/or off-site receiving waters to assimilate additional runoff will be evaluated. The volume of sediment, nutrients and other pollutants that could adversely affect these surface waters, including both construction-related pollutants as well as pollutants that can be expected to be generated by roads, driveways, rooftops, lawns, and landscaping will be estimated and associated impacts evaluated against the proposed mitigation measures, including the use of “green” or “low-impact” mitigation measures discussed under Proposed Mitigation Measures below. Calculate pollutant loading for both pre- and post- development for the following pollutants (see pages 2-3 of the DEC *Stormwater Management Design Manual*) and present for review : BOD, COD, TSS, TDS, total phosphorus, total nitrogen (including Nitrates/nitrites), lead, copper, zinc and cadmium. The Simple Method (Scheuler, T. 1987. *Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs*. Metropolitan Washington Council of governments, Washington, D.C.) or a comparable professionally accepted method, may be

used for this purpose, but the same method must be used for all calculations. Results should be presented in tabular form so that pre-development pollutant load can be compared to post-development load. Oil and grease and chlorides (i.e. road salt) are other common constituents of stormwater runoff that will also be considered during impact assessment.

- Potential impacts (if any) to floodplains due to re-grading.
- Potential sedimentation of water bodies.
- Potential impacts to stream and wetland areas including adjacent wetlands in the Long Meadow Wetland Complex.
- Potential short-term impacts to be assessed regarding construction of the project, as well as potential long-term impacts relative to the habitation of the site.
- Potential impacts to on-site and off-site groundwater resources from 51 new wells and the cumulative effects of such wells with other pending and/or recently approved residential developments. Demonstrate a qualitative and quantitative understanding of the hydrologic relationships of groundwater in soils, overburden, and bedrock with the wetlands, streams, on-site recharge areas and off-site recharge areas. Determine the characteristics of the aquifer, including but not limited to its thickness, material composition, and whether it is confined or unconfined. Study and report on any foreseeable impacts on proposed or existing wells and public water supply. Work closely with the Town Engineer to devise an appropriate methodology.
- Address alternative means of water supply including creation of a public water supply.

#### PROPOSED MITIGATION MEASURES

- Discussion of stormwater quality and management and implementation of Best Management Practices (BMPs). Inclusion of a Stormwater Pollution Prevention Plan (SWPPP) that addresses the requirements of the Town of Warwick, Orange County, NYSDEC and other appropriate regulatory authorities. Use of “low impact development technologies” such as permeable pavements, rain gardens, bioretention basins and other practices described at <http://www.lowimpactdevelopment.org/>, especially in relation to aquifer regeneration as well as water conservation and use.
- Discussion of compliance with applicable wetlands and stormwater regulations.
- Discussion of Erosion and Sediment Control Plan as it pertains to water quality.
- Discussion of the Town Code’s requirement for “central water” for subdivisions greater than 49 lots, unless waived by the DEC Commissioner “if warranted by soil characteristics”.

#### C. Vegetation and Wildlife

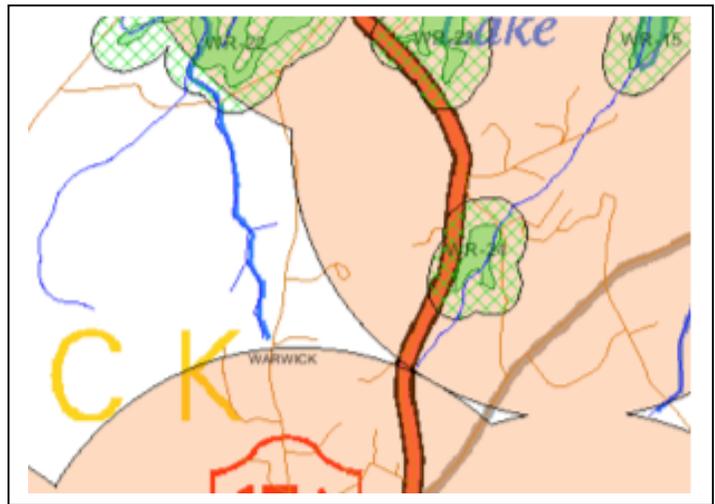
This Section will identify and evaluate the vegetative characteristics of the site and will provide an inventory of the representative flora and fauna for on-site ecological communities by a qualified biologist. The existence of Endangered, Threatened, Special Concern, and Rare (ETR) plants and wildlife on or in the vicinity of the project site will be identified and evaluated using the DEC Natural Heritage Program files, direct contact with Natural Heritage Program staff, review of U.S.

Fish and Wildlife Service database, and a field survey conducted during the appropriate times of year.

Potential project impacts will be discussed in connection with site-specific development plans. Mitigation measures will be developed to avoid or minimize project impacts as necessary.

#### EXISTING SETTING

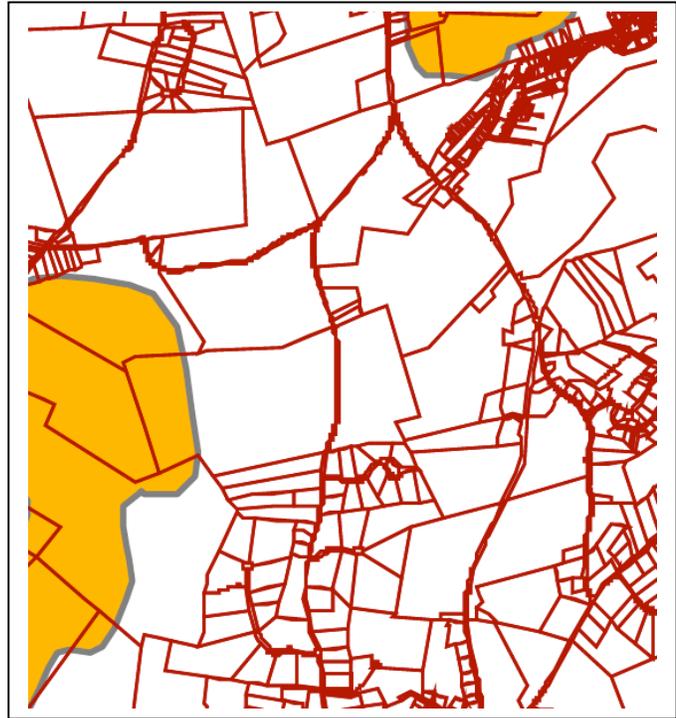
- Identification and description of on-site vegetative communities as described in *Ecological Communities of New York State* (Reschke, 1990) will be provided.
- Review of DEC Natural Heritage Program files (shading in graphic below shows rare plant and rare animal communities and significant natural communities on-site), discussion with Natural Heritage Program staff, and review of the U.S. Fish and Wildlife Services database for ETR species that may exist on the site will be undertaken, along with a field survey conducted during appropriate times of year. Particular attention should be placed on the wetlands and the on-site tributary to the Quaker Creek.
- Biodiversity assessment of the site and its interrelationship to the identified “Wheeler/Stony Creek” complex on or in immediate proximity to the site.<sup>1</sup> Use the methodology outlined in the *Southern Wallkill Biodiversity Plan* for conducting the assessment.
- In determining “existing on-site flora and fauna”, a comprehensive survey of the site, resulting in a list, should be performed based on recognized sampling techniques. Investigate reports of a Spotted turtle (*Clemmys guttata*) a Species of Special Concern being located in the vicinity of the site. Identify invasive and/or non-native species that may be present on the site (such as mile-a-minute weed).



#### POTENTIAL IMPACTS

<sup>1</sup> The *Southern Wallkill Biodiversity Plan* identifies this area as follows: “This stream complex offers habitat for a variety of declining and listed turtle species, in addition to other taxa. It also connects the Mount Adam/Mount Eve biodiversity area northward to other habitats. Much of the streamside habitats are rural and only lightly developed, but care should be taken to maximize further impacts related to development.”

An evaluation of potential impacts to vegetation and wildlife resulting from the proposed development will be provided with regard to potential disturbance, loss or removal, and reduction of function of existing plants and vegetative communities, wildlife corridors, as well as habitats for wildlife species. Particular attention will be given to the effects of the proposed plans on biodiversity (see Southern Wallkill Biodiversity area on site at right), the direct loss of habitat areas, the amount of existing vegetative cover likely to be modified and the nature of that modification (e.g. pavement, landscaping, etc.), including wetland disturbance and/or reduction and fragmentation of habitat supporting on-site wildlife will be identified for each vegetative community. Potential impacts associated with a reduction of existing vegetative cover and existing habitats and impacts on trees will be discussed. Impacts



on biodiversity resulting from development of a large land holding including the cumulative development of other nearby parcels that are under review by the Town of Warwick, and the resulting effects on wildlife populations and plant species, will be discussed. Impacts of the proposed project on deer population will be determined by a qualified biologist, including the consequences of this potential impact on vegetation (both existing and proposed landscaping) as well as other wildlife. If invasive and/or non-native species are present on the site, to what extent will the site development have the potential to “spread” such species into the surrounding area.

#### PROPOSED MITIGATION MEASURES

A discussion of applicable mitigation measures identified as necessary, recommended in the *Southern Wallkill Biodiversity Plan*, or required by DEC and/or U.S. Fish and Wildlife Services will be provided. Such mitigation includes but is not limited to permanent open space designation of all identified biodiversity areas, increasing the amount of protected open space beyond the proposed 53.5 percent, establishment of generous vegetative buffers around streams and wetlands, the adoption of landscaping schemes which focus both on the use of native vegetation and the enhancement of species diversity on the site, habitat improvements, and the avoidance and/or salvaging of any trees of significance.

## **D. Cultural Resources**

### EXISTING SETTING

A Phase I Historic and Archaeological Resource Survey will be completed to evaluate the potential for historic or archaeological resources located on the site. This survey will be conducted in conformance with the procedures specified by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). The survey will include discussion with the Town Historian. The results of the survey will be summarized in the DEIS and copies of correspondence from the OPRHP will be included in an appendix. A description will be provided of prominent and/or unique cultural features including stonewalls and other indications of historic agricultural activity on the site.

### POTENTIAL IMPACTS

An evaluation of potential impacts to historic and archaeological resources from the proposed development will be provided. The presence of culturally sensitive areas on the site (if any) as identified in the Phase I Historic and Archaeological Resource Survey will be identified and discussed.

### PROPOSED MITIGATION MEASURES

A discussion of possible mitigation measures will be provided as necessary or as required by the OPRHP. Provide Phase II Survey results if applicable.

## **E. Visual**

This Section will provide a visual impact assessment through the use of narrative text, photographs, and landscape architectural drawings such as plans, sections, elevations, or other graphic representations of existing and proposed conditions. This Section will also describe the visual character of the neighborhood and the visual relationship between the project site and the surrounding residential area, particularly with respect to adjacent properties and remote locations where the proposed development might be visible, such as scenic areas and scenic roads identified in the *Warwick Comprehensive Plan*. The analysis will address existing site conditions, natural, agricultural and rural features contributing to the visual quality of the site, its surrounding environment, and the visual relationship between the project site and the surrounding area. The change and impact of the proposed project on the existing visual character and rural and agricultural quality of the area will be discussed in light of the site's location in the Town's Ridgeline Overlay District and the additional regulations in place to control new development within this district.

## EXISTING SETTING

The areas from which the site will be visible will be defined. The analysis will use the methodology described in the DEC publication entitled *Assessing and Mitigating Visual Impacts* (see Program Policy DEP-00-2, July 31, 2000). Visual conditions are to include:

- A discussion of the elements that contribute to the visual image and character of the project site will be provided. Photographs of the site from at least six (6) critical receptor points, as approved by the Town of Warwick Planning Board, will be provided.
- A description of the project’s visibility from Old Ridge Road.
- A description of the project’s visibility from other locations as identified below:
  - Four Locations along Old Ridge Road including two looking east into the future developed site and two looking west into the future developed site
  - Jessup Road at a location or locations where project site development would be visible
  - Taylor Road at a location where the project site development would be visible from the proposed new Town road within the adjoining proposed Fusco subdivision. If the applicant is unable to obtain access from the landowner for direct observation, the DEIS should disclose this. A visual simulation from the same vantage point using aerial photography or online mapping, such as “Google Earth,” may substitute for direct observation from this location.

## POTENTIAL IMPACTS

A description of the changes in visual character of the site and surrounding areas will be provided. This section will also discuss the impact on the view from the critical receptor points, the potential for road lighting, and the project’s potential effects on the rural character of the area.

## PROPOSED MITIGATION MEASURES

Proposed mitigation measures will be discussed as necessary or recommended based on the results of the visual impact analysis.

### **F. Transportation**

This Section will include a Traffic Impact Study that evaluates existing traffic conditions compared to conditions anticipated upon completion. The Traffic Impact Study will address the potential transportation impacts and will identify mitigation measures to avoid or minimize the potential impacts.

## EXISTING SETTING

- A Traffic Impact Study (TIS) will be completed for the project using standards and guidelines in common use and as developed by the New York State Department of Transportation (DOT), the Institute of Transportation Engineers (ITE), the Highway Capacity Manual (HCM)

and the DOT's and Federal Highway Administration (FHWA) for Context Sensitive Solutions (see below for website addresses). In particular, the study will evaluate the following intersections during the AM and PM peak traffic periods and the weekend peak period(s):

- Entrances to project site and Old Ridge Road
  - Old Ridge Road and Taylor Road
  - Old Ridge Road and NYS Route 17A at northerly intersection (the existing geometry of this intersection requires careful evaluation)
  - Old Ridge Road and NYS Route 17A at southerly intersection
- All available traffic data, including accident data for the preceding five year period, will be collected from NYSDOT, Orange County Department of Public Works, and the Town of Warwick for the studied intersections and analyzed and discussed in this Section.
  - A description will be provided of roadways and roadway conditions directly serving the site, including number of lanes, posted speed limits, existing public transportation facilities serving the area and region, and existing traffic routes for trucks and traffic controls.
  - Pedestrian and bicycle movements and facilities in the area, especially any existing or potential linkages with adjoining lands such as Hampton Hills and Fusco, will also be identified and discussed.
  - Future road connections with adjoining properties in the Town will be discussed.
  - The traffic study will consider approved and pending projects in the area (see tabular list above).

#### POTENTIAL IMPACTS

A discussion will be provided of potential impacts identified in the TIS, including:

- Potential impacts to the road network.
- Access to the site from Old Ridge Road and potential future connections to adjoining lands as well as the results of the cumulative analysis with other proposed and pending projects.
- Sight distances.
- Pedestrian circulation and bicycle movements.

The condition, safety and adequacy of Old Ridge Road and other roads affected by the additional generation from the project will be discussed in light of its capacity to handle the additional traffic

and the effect the proposed project and any related improvements to the roads will have on community character and quality of life for neighborhood residents.

#### PROPOSED MITIGATION MEASURES

Applicable mitigation measures will be proposed, including those identified in the TIS. Discussions of access points relative to traffic safety, emergency access, construction vehicle access, and provisions for bicycle and pedestrian facilities within the project will be included. Any improvements proposed to Old Ridge Road and other roads affected by the additional traffic generation from the project will include an assessment and discussion of Context Sensitive Solutions (CSS) or Context Sensitive Design through guidance provided by the New York State Department of Transportation at <http://www.nysdot.gov> and at the Federal Highway Administration’s website at <http://www.fhwa.dot.gov/context/what.cfm>.

Address the feasibility of providing potential connections to Taylor Road and Ridgeway Loop.

#### **G. Land Use and Zoning**

A discussion will be presented of the proposed project’s compatibility with the existing land use and zoning on the site and in the surrounding area.

#### EXISTING SETTING

- Discussion of the existing land uses and zoning designations on-site and on adjacent properties and in the surrounding area (i.e. within ½ mile). Discuss the largely rural and agricultural character of the surrounding community along Old Ridge Road.
- Discussion of recommendations for the site and surrounding area from the Town’s *Comprehensive Plan*, *Community Preservation Project Plan*, and the *Orange County Plan*. A brief summary of the goals and objectives found in each of the referenced plans will be provided.
- Discuss the Design Guidelines recommendations for residential development.
- Discuss the historic agricultural use of the site including farm structures, soil fertility and previous crop and/or animal production. Discuss permits or approvals associated with prior uses, if any.

#### POTENTIAL IMPACTS

##### *Land Use*

- A discussion of the proposed project’s compatibility with surrounding land uses and the potential impacts on the rural and agricultural character of the area along Old Ridge Road will be provided.

- Potential impacts of the proposed project to surrounding land uses will be discussed.
- Consistency with the Town’s *Comprehensive Plan*, *Community Preservation Project Plan*, and the *Orange County Plan*. Aspects of the proposed action that would deviate from conformance with any of the above plans will be identified and an evaluation of why such deviation is proposed will be provided.
- Discuss the agricultural viability of proposed lot # 1, which is proposed as a lot for the existing farmstead, but which is predominantly wetlands, steep slopes and poor quality soils.

#### Zoning

- The proposed project’s compliance with the Zoning Law, including the intent and purposes of the Zoning Law, the provisions of § 164-41.1 (the cluster regulations) including the siting guidelines for lands within the Agricultural Protection Overlay (AP-O) District, and other relevant sections of the Zoning Law will be analyzed and discussed.
- Discuss consistency with the Town Design Guidelines and the rationale proposed for all areas where the subdivision plans do not conform to the Town’s design guidelines, design standards, or subdivision standards. Consider placement of the houses closer to the roads and to each other to foster a better sense of community.
- Discuss compliance of the yield plan with the Town Zoning Law and Subdivision Regulations.

#### PROPOSED MITIGATION MEASURES

A discussion of any applicable and appropriate mitigation measures will be provided.

#### H. Police, Fire and Emergency Medical Services

This section will evaluate the potential impacts of the proposed project on existing police, fire, and emergency services in the Town of Warwick. Information will be based on conversations with and correspondence received from service providers and available online resources.

#### EXISTING SETTING

##### *Police Services*

Identification of State, County, and local Police Departments that provide police coverage to the project site, with a description of the following information for each:

- Station locations.
- Staffing levels.
- Average response time expected to the project site.
- Any existing deficiencies in staffing or facilities, if available.

- Any planned or proposed expansions or improvements to address the deficiencies.

#### *Fire and Emergency Medical Services*

Identification of Fire Departments and/or Emergency Medical Service (EMS) providers that service the project site will be provided based upon discussions and correspondence with the respective departments. This will include a description of the following information for each:

- Station locations.
- Staffing levels (with subtotals of paid staff and volunteers).
- Average response time expected to the project site.
- Inventory of equipment including the number and type of apparatus and the ability of the equipment to serve the proposed buildings.
- Discussion of existing water supply for fire protection.

#### POTENTIAL IMPACTS

- A discussion of how the proposed action may affect these municipal services will be provided.
- The adequacy of the existing services, facilities, staff and equipment to handle the increased demand generated by the proposed development will be evaluated.
- The ability of the proposed road system and access points to accommodate emergency vehicles and equipment will be discussed.
- The capacity of the water supply system to meet future fire demands of the proposed project will be discussed.

#### PROPOSED MITIGATION MEASURES

Proposed mitigation measures to minimize or avoid identified impacts will be provided.

#### **I. School District Services**

This section will evaluate the potential impacts of the proposed project on the Florida Union Free School District. Information will be based on conversations with and correspondence received from the District and available online resources.

#### EXISTING SETTING

A description of existing school facilities serving the project site (elementary, middle-school, and high school) will be provided, including:

- Total student capacity.
- Current enrollment.
- Existing school transportation routes (based on data to be supplied by the School District to the extent available).

- Discussion of relevant studies regarding School District capacity and enrollment trends.
- Discussion of any expansion or improvements planned by the School District.

#### POTENTIAL IMPACTS

- An estimation of the number of public school children to be generated by the proposed project will be provided based on multipliers in the 1994 Urban Land Institute’s *Development Impact Assessment Handbook* or use Florida’s data, if available.
- The potential impacts of the estimated additional school children on school capacity will be evaluated.
- Projected School District costs and tax revenues generated by the proposed project will be evaluated. A discussion of the anticipated additional tax revenue generated in comparison to the expected cost of educating the additional children associated with the proposed project will be presented. Cross-reference the results of the fiscal impact section here (see below).

#### PROPOSED MITIGATION MEASURES

Proposed mitigation measures to minimize or avoid identified impacts will be provided.

### **J. Fiscal Impact Analysis**

#### EXISTING SETTING

This section will include a discussion of the existing revenues and anticipated taxes generated from the site development and any existing municipal costs related to the site for all applicable jurisdictions – Town (including highway), County, School District, and any special districts.

#### POTENTIAL IMPACTS

A discussion of the projected costs and revenues associated with the project will be performed using the methodology identified in the *Fiscal Impact Handbook* and updates, prepared for each taxing jurisdiction. The assumptions on which costs and revenues are based will be clearly presented. Use the Florida Union Free School District data for the school analysis, if available.

#### MITIGATION MEASURES

As required.

### **K. Recreation and Open Space Resources**

This section will evaluate the potential impacts of the proposed project on existing recreation and open space facilities in the Town of Warwick.

## EXISTING SETTING

A description of existing recreation and open space resources will be provided, including:

- Existing recreational facilities and public open space areas in the Town of Warwick that can potentially be used by the future project residents.
- On-site recreational amenities, if any are proposed.
- On-site open space to be preserved including the method used for permanent protection.
- Any existing deficiencies in recreational facilities and/or plans for improvements/expansions to any facilities.
- Reference any results from the discussion of the Town’s adopted *Community Preservation Project Plan* recommendations for open space or recreation for the site here (see Section G herein).

## POTENTIAL IMPACTS

A discussion of potential impacts associated with the proposed project on the Town’s recreational facilities will be provided. The evaluation will be based on standards such as the National Recreation and Park Association (NRPA) for community needs regarding parks, public open space, and recreational facilities.<sup>2</sup> An evaluation of the potential for a park, playground, or other recreational amenities to be located on the property, as required by § 137-23 of the Town of Warwick Code, will be analyzed and discussed. Discuss proposed management and use of the open space on the site.

## PROPOSED MITIGATION MEASURES

Proposed mitigation measures to minimize or avoid identified impacts will be provided.

### **L. Utilities—Water**

This section will evaluate potential impacts regarding water supply.

## EXISTING SETTING

This section will analyze availability of existing groundwater for individual wells or a water district in the project area. Water quality as it relates to Department of Health drinking water standards will be discussed.

## POTENTIAL IMPACTS

This section will provide an evaluation of projected water use and water supply capacity to meet the estimated project-generated water demand, and a discussion of potential impacts to subsurface aquifers and the long-term capacity of the area’s water supply. This section will also analyze

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<sup>2</sup> *Recreation, Park and Open Space Standards and Guidelines*, National Recreation and Park Association, 1990.

potential impacts to existing wells in the vicinity of the project site. Discuss and consider alternate means of water supply including creation of a Public Water Supply. Discuss the feasibility of creating a water supply for the site and potentially other nearby sites including Hampton Hills and Fusco at a minimum.

#### PROPOSED MITIGATION MEASURES

Applicable water supply mitigation measures will be identified and discussed including water conservation measures.

#### **M. Utilities—Wastewater**

Potential impacts regarding wastewater treatment and disposal will be addressed in this section.

#### EXISTING SETTING

- A discussion of the area’s existing wastewater generation and disposal processes will be provided.
- The suitability of on-site soils to properly treat septic effluent will be provided. This section should also investigate the soil types mapped at septic disposal system sites and revise or verify the SCS Soils Map.
- Discuss potential impacts on unique geologic conditions (if any) on the site.

#### POTENTIAL IMPACTS

- Estimates of wastewater generation will be provided.
- A discussion will be provided describing the proposed septic disposal systems. Equal weight should be given to consideration of community septic/treatment plant and individual septic systems. Discuss a potential regional sewage treatment facility.
- An evaluation of the potential for contamination of on-site and nearby water resources, including wetlands, streams, or aquifers, will be provided based on the expected wastewater generation and drainage patterns.

#### PROPOSED MITIGATION MEASURES

Applicable wastewater treatment mitigation measures will be identified and discussed.

#### **N. Other Utilities**

Potential impacts regarding electrical capacity and distribution will be addressed in this section.

#### EXISTING SETTING

- A discussion of the area’s existing electrical generation, local capacity and use will be provided.

## POTENTIAL IMPACTS

- Estimates of electrical generation will be provided per home and for the subdivision as a whole.
- A discussion will be provided describing the need for improvements to the electrical grid including new feeder lines or other infrastructure necessary to service the 51 new dwellings.
- Discuss proposed heating and cooling methods for each dwelling including the use of alternative methods such as geothermal, solar, biofuels, and so on.

## PROPOSED MITIGATION MEASURES

Applicable electrical capacity mitigation measures will be identified and discussed including methods to reduce electrical use. See also the alternatives section for an examination of Energy Star and/or LEED certification programs for reducing energy use.

## SECTION 4: ADVERSE IMPACTS THAT CANNOT BE AVOIDED

This section will describe those impacts that cannot be avoided regardless of mitigation measures that are implemented.

## SECTION 5: ALTERNATIVES

The following alternatives to the proposed action are to be evaluated in terms of the impact issues listed above, when applicable. The alternatives can be provided “stand-alone” or combined in an alternative design but each alternative must be included.

1. No Action Alternative.
2. Conventional Subdivision.
3. Reduced scale Cluster Subdivision in accordance with Orange County Department of Planning’s and Town of Warwick Conservation Board’s recommendation to “*substantially decrease the number of proposed lots.*”
4. Alternative ownership of the open space areas other than the Homeowners Association. Discuss protection of the open space through use of conservation easements or fee ownership by the Town of Warwick, the Warwick Conservancy, the Orange County Land Trust, or other *bona fide* land trust.
5. Cluster subdivision alternative that combines the five distinct open space areas into one or two contiguous open space areas.
6. Cluster subdivision alternative that maximizes the on-site buffers to surface water resources. A goal would be a buffer area of 200 to 300 feet as recommended by biologists for wetlands and streams and up to 750 feet to vernal pools if present on-site.
7. Cluster subdivision alternative that offers passive recreational use of the open space, such as a trail system or other recreational use of the on-site creek and ridgeline areas.

8. Cluster subdivision alternative that confines the areas of house lot construction and roadways to the “potential development areas” identified on the 4-step conservation subdivision design process.
9. Cluster subdivision alternative that maximizes preservation of the existing agricultural fields. Address each siting guideline in § 164-41.1(H)(7) in both text and graphics. The existing farm is within the Town’s Agricultural Protection District, it contains excellent agricultural soils, is identified in the Town’s *Community Preservation Project Plan* as a Target Parcel, is in an area with a number of existing farm operations several of which are being considered or have already been included in the Town’s Purchase of Development Rights Program and are currently used for farming.
10. Other Alternative Designs for Cluster Subdivision to avoid or reduce identified adverse environmental impacts

## SECTION 6: IRRETREIVABLE AND IRREVERSIBLE COMMITMENT OF RESOURCES

This section will describe the resources described in Section IV that will be consumed, converted, or made unavailable for future use.

## SECTION 7: GROWTH INDUCING IMPACTS

This section will describe the potential growth aspects the proposed project may have, including impacts on population, business and further development potential.

## SECTION 7: EFFECTS ON USE AND CONSERVATION OF ENERGY

Section 7 will discuss the energy sources to be used for the proposed project, the anticipated levels of energy consumption, and proposed energy conservation measures. The Applicant will also analyze and discuss the use of alternative (i.e. other than fossil fuels) energy resources for heating, cooling and power, including the use of solar energy or groundwater source heat pumps. Analyze and discuss LEED certification for all 51 houses.

## SECTION 8: SOURCES AND BIBLIOGRAPHY

## SECTION 9: APPENDICES

Appendices to include the following at a minimum:

1. All SEQR documentation
2. Copies of all official correspondence related to issues discussed in the DEIS

3. Copies of all technical studies (traffic, drainage, cultural resources, etc.).