

Scoping Document  
for the preparation of a  
Draft Environmental Impact Statement

**LIVINGSTON FARM**

Hoag Road  
Town of Rockland, Sullivan County

Applicant:

Livingston Farm  
c/o Broadacre Farm Ventures, LLC  
25 Meadow Hill  
Armonk NY 10504

SEQR Lead Agency:

Town of Rockland Planning Board  
95 Main St,  
Livingston Manor, NY 12758

Project Contact:

James Bates  
Ecological Analysis, LLC  
633 Route 211 East  
Suite 4, Box 4  
Middletown, NY 10941

Public Scoping Session Conducted:

Town of Rockland Town Hall  
95 Main St, Livingston Manor, NY 12758  
DATE: TBD

Direct Written Comments to [k.madison@townofrocklandny.com](mailto:k.madison@townofrocklandny.com)

Kaitlen Madison  
Town of Rockland Planning Board Secretary  
Town of Rockland Planning Board  
95 Main St,  
Livingston Manor, NY 12758

by TBD

## **INTRODUCTION**

This draft Scoping Document is intended to serve as the foundation for the identification of potentially significant adverse impacts associated with the proposed action and possible mitigation measures. It is also intended to focus the environmental review on significant impacts to ensure consideration of likely long-term impacts of the proposed action.

## **DESCRIPTION OF THE PROPOSED ACTION**

The applicant, Broadacre Farm Ventures, LLC, proposes the construction of a residential subdivision with an agritourism operation including a regenerative farm, campground and hotel.

Livingston Farm original application was submitted in December of 2020. Additional revisions were completed to and resubmitted for the project per planning board comments. The most current Preliminary Site Plan is dated October 21, 2022.

The current, proposed development, Subdivision of a 117-acre property at the above referenced address into fifteen (15) lots to be used for residential housing, camping, restaurant, open space, hiking trails, and agriculture. The development is planned with a conservation approach designed to minimize site disturbance, preserve open space and implement organic and regenerative agricultural practices as part of the farming operation. New roads will be built in accordance with the Town of Rockland standards and new public and private water and sewer utilities will be built to service the housing, camping, and restaurant. The site will include new stormwater management and green infrastructure practices to meet and, in some cases, exceed, the requirements of the New York State Department of Environmental Conservation Design Manual.

## **POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS**

As set forth in the Positive Declaration adopted by the planning board as Lead Agency, the proposed action may have potential significant environmental impacts on:

- Land and Geology
- Surface Water Resources and Flooding
- Groundwater Resources
- Transportation
- Aesthetic Resources
- Open Space and Recreation
- Noise, Odor, Light
- Consistency with Community Plans

## **GENERAL SCOPING CONSIDERATION**

The environmental review conducted under the State Environmental Quality Review Act (SEQRA) shall be in full conformance with 6 NYCRR Part 617.

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 and, if it must be included in its entirety, it will be referenced in the DEIS and included in an appendix.

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, Regional, and Town criteria with respect to all disciplines of study as well as Town of Rockland zoning, subdivision, and site plan standards.

## **DEIS CONTENTS**

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 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 II 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 Rockland including existing site access.
2. Description of the environmental setting of the site and the natural resources identified thereon.

### **B. Description of the Proposed Action**

1. Written and detailed description of the proposed action, including the proposed use and seasonality of use, acres of land to be disturbed, acreage of impervious area proposed, open space and recreation facilities proposed, construction schedule, infrastructure ownership and maintenance. Small scale plans will be provided in the DEIS for illustrative purposes.
2. Describe intended site operations in detail including transportation, etc.
3. Discuss intended development schedule and phasing in detail.
4. Identify zoning and describe existing and proposed land uses applicable to the project site.
5. Discuss compliance with all Zoning, Subdivision, Special Permit and Site Plan Approval standards and other criteria set forth by the Town of Rockland Code and other permit agencies. 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, and changes to the project should waivers or variances not be approved.
6. Discuss the compatibility of the proposed land use with the character and development trends within a half mile area (see attached map for reference)

**C. Project Purpose and Need**

1. Discuss the purpose or objective of the project sponsor.
2. Identify the public need for the proposed action.

**D. Approvals, Reviews and Permits**

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

**III. ENVIRONMENTAL SETTING, 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. Enough 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:

- 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. LAND AND GEOLOGY**

**1. Soils**

**Existing Conditions:** Soils will be mapped in accordance with the Soil and Water Conservation District Soil Survey for Sullivan County, New York and / or the USDA Web Soil Survey. Evaluation of site soils will include the following: Identification of soils; Soil characteristics; Where necessary on-site soil sampling will be undertaken; Perc tests will be required for all proposed stormwater infiltration practices.

**Potential Impacts:** Discuss and evaluate the land disturbance from the proposed phased development including the suitability of on-site soils to support the proposed development.

**Mitigation Measures:** Discuss mitigation measures to reduce any potential impacts during the phased proposed development including and not limited to: Construction methods and best management practices that will be employed to lessen erosion and to prevent sediment from migrating off-site or into nearby waterbodies and wetlands based on NYSDEC criteria; The

DEIS will describe the detailed soil erosion and sediment control plan that will accompany the text description of specific designs to be implemented during construction.

## 2. Topography

**Existing Conditions:** Existing contours will be mapped. Describe the topography of the site and include a topographic map showing the following slope categories: 0-15 percent, 15-25 percent, and greater than 25 percent.

**Potential Impacts:** Potential impacts from the proposed action and its phased construction will be evaluated and discussed. Proposed contours will be mapped. A grading plan will be provided and described. A cut and fill analysis will be provided, including an analysis of the disposal of excess cut or the import of fill materials.

**Mitigations Measures:** Discuss mitigation measures, including design elements and regulatory standards. Construction on steep slopes must be covered in detail in this section of the DEIS.

## 3. Geology - Bedrock

**Existing Conditions:** A bedrock geology map of the project site will be provided based on existing geologic mapping including the depth of existing bedrock.

**Potential Impacts:** Describe the depth to bedrock on the project site and the amount, if any, of any bedrock removal and the means and methods anticipated to be used for removing bedrock.

**Mitigation Measures:** Discuss mitigation measures if warranted.

# B. SURFACE WATER RESOURCES AND FLOODING

## 1. Wetlands and Water Courses

**Existing Conditions:**

- a. Describe and identify graphically surface water resources including water courses and wetlands, on, and in the vicinity of, the project site. The 100-year floodplain will be illustrated. An onsite wetland delineation shall be performed, and a wetlands report shall be provided.
- b. Wetland delineations and datasheets will be prepared in accordance with the 2012 ACOE Northcentral and Northeast Region manual as required by the Army Corp of Engineers.

**Potential Impacts:** Calculate the area of proposed wetland disturbance based on grading plans to quantify any impact and describe potential impacts to onsite wetlands or watercourses from the proposed project. Proposed stream crossings will be described and illustrated in terms of potential impacts.

## **Mitigation Measures:**

- a. A basis for degree of mitigation.
- b. Construction methods and best management practices that will be employed to lessen erosion and to prevent sediment from migrating off-site or into nearby waterbodies and wetlands based on NYSDEC criteria.
- c. Mitigation measures for proposed stream crossing will be described.

## **2. Stormwater Resources**

**Existing Conditions:** Drainage areas shall be delineated based on pre-development conditions and existing stormwater discharge points from the property. Identify any regulations and regulated activities concerning water resources in the Town Rockland and NYSDEC regulations.

- a. A Drainage Report defining pre-development peak rates of stormwater runoff during the statistical 1, 10, and 100 year, 24-hrs storm events and stormwater quality treatment will be submitted. The results of this study will be summarized in the DEIS text, and all supporting calculations will be presented in the appendix of the DEIS. Calculations of pre-development peak stormwater runoff rates and stormwater management practices and an outline of green infrastructure practices utilized for the project will be performed per current NYSDEC Design Standards.

**Potential Impacts:** A Drainage Report defining post-development (i.e., proposed action) peak rates of stormwater runoff during the statistical 1, 10, and 100 year, 24-hrs storm events and stormwater quality treatment will be submitted. The results of this study will be summarized in the DEIS text, and all supporting calculations will be presented in the appendix of the DEIS. Calculations of post-development peak stormwater runoff rates and stormwater management practices and an outline of green infrastructure practices utilized for the project will be performed per current NYSDEC Design Standards.

- a. Include a Stormwater Pollution Prevention Plan (SWPPP) that documents the selection, design, installation, implementation, and maintenance of stormwater control measures and practices that will be used to meet requirements of the NYSDEC Design Manual and General Permit (GP-0-20-001). The SWPPP shall include an Erosion and Sediment Control Plan to be implemented during construction, a Stormwater Management Plan that includes measures to treat stormwater following construction, and an Operations and Maintenance Plan that includes the required maintenance tasks and their respective frequency for each permanent stormwater management practice and green infrastructure facility.
- b. Identify and describe potential post construction impacts on surface water resources relating to pollutant and nutrient loads from impervious surfaces.

**Mitigation Measures:** Describe measures included in the SWPPP to ensure that post-development stormwater peak discharge rates will be less than pre-development stormwater peak discharge rates. Describe all stormwater practices to be used to control post development changes in stormwater runoff including standard stormwater management practices and runoff reduction techniques that will reduce post construction increases in pollutants.

### **3. Wastewater Treatment**

**Existing Conditions:** Estimate wastewater flows by facility and unit type. Identify NYSDEC effluent limitations that apply to receiving surface waters.

**Potential Impacts:** Evaluate proposed Town Sewer District extension and connection into collection system for treatment at Livingston Manor STP, which discharges into the Willowemoc River. No onsite treatment systems are proposed. Prepare and provide a conceptual plan of the wastewater collection and treatment system, including proposed locations of effluent discharge.

**Mitigation Measures:** Discuss mitigation measures as warranted.

### **4. Flood Plain and Flooding**

**Existing Conditions,** identify floodplains and describe potential areas of flooding.

**Potential Impacts,** identify any potential impacts regarding flooding from the proposed development including but not limited to the modifications of existing drainage patterns.

**Mitigation Measures:** Discuss mitigation measures as warranted.

## **C. GROUNDWATER RESOURCES**

### **1. Groundwater Resources**

**Existing Conditions:** Describe existing groundwater resources, including information from available sources on the capacity and extent of the aquifer. Describe hydrogeologic conditions known based on well construction information and geologic setting.

**Potential Impacts:** Describe and quantify the expected water demand in relation to expected yield.

- a. Pumping yield test protocols will be coordinated with the County Health Department. Pumping yield tests will follow.
- b. Conduct two, 72-hour pumping yield tests in accordance with New York State Department of Health (NYSDOH) Part 5, Sub Part 5-1, Public Water Systems - Appendix 5D and in accordance with the Appendix 5-A (Recommended Standards for Water Works; 2022 Edition) Section 3.2 (Groundwater) standards. Monitor select existing or newly constructed onsite wells within ¼ mile of



production test well sites, inclusive of at least one homeowner well. Provide a summary report of pumping yield results.

- c. Identify potential impacts on wells within ¼ mile of the two primary proposed production well sites from groundwater use. Provide a summary report documenting any homeowner or onsite observation well impacts.

**Mitigation Measures:** Discuss mitigation measures, if warranted, including consideration of connecting to Town's water main.

## **D. TRANSPORTATION**

### **1. Transportation**

#### **Existing Conditions:**

- a. Identify Existing Operations
- b. Collect and verify available sight distances at the following locations:
  - Hoag Road @ High Street
  - Hoag Street @ Creamery Road
  - Site Access @ Creamery Road
  - Creamery Road @ Main Street
- d. Collect additional data including roadway geometry along Hoag Road, Hoag Street, High Street, Creamery Road, and Main Street, including speed limits and traffic control.
- e. Obtain the most current three years-worth of accident data for Hoag Road, Hoag Street and Creamery Road from Hoag Street to Main Street, and complete an accident history review.
- f. Review historical traffic volume data in the area.

#### **Potential Impacts:**

- a. Estimate the trips generated by the proposed development using the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition.
- b. Develop an expected arrival/departure distribution of trips generated for the development based on existing roadways in the area.
- c. Identify Projected Traffic Operations

## **Mitigation Measures:**

- a. Identify mitigation measures
- b. Identify safety improvements or capacity improvements necessary, if any, to mitigate and/or lessen the impact from the project on the adjacent roadway network.

## **E. AESTHETIC RESOURCES**

### **1. Visual Analysis**

#### **Existing Conditions, Potential Impacts, Mitigation Measures:**

To determine the potential visual impacts of the proposed development a visual analysis was prepared. The completed Visual Analysis report will be included in this DEIS as an appendix and summarized in this section.

Any visual changes to the proposed action (i.e., landscape, project layout, build elements) that differ from the scope of the original Visual Analysis will be presented and addressed in this section of the DEIS in the format of Existing Conditions, Potential Impacts and Mitigation Measures.

## **F. OPEN SPACE AND RECREATION**

### **1. Ecosystem Services.**

#### **Existing Conditions:**

- a. The Biodiversity Habitat Assessment surveys will be conducted in accordance with accepted federal and New York State protocols, to document each habitat type, the presence or absence of significant biological communities, and observed and anticipated plant and animal species on the project site.
- b. Research relevant information concerning target species including bird, mammal, reptile, amphibian, aquatic and plant species. This research effort will include assessment of the electronic and published data documenting habitat requirement, diagnostic information and known occurrences of different species and habitat types in the area near the proposed project area.
- c. Conduct field reconnaissance on the project site to evaluate and document existing habitat types and conditions, determine the presence/absence of the potential habitats associated with the species identified during the research effort, and surveys for the individuals of the target species that would be expected to be present on the property. Specific detailed surveys are described below.
- d. All species observed utilizing the property will be documented. Following the field investigation work, a comprehensive Biological Habitat Assessment Report will be prepared that documents the presence or absence of the target species, describes the species identified, and includes photographs of the habitat areas and conclusions concerning the potential use of the property by the target species. If necessary, the report will also make recommendations concerning the need for additional, more intense surveys or adjustments to the existing plan of development to preserve any significant habitat(s) that may be found.

**Potential Impacts:** Describe potential impacts from the proposed development on Ecosystem Services.

**Mitigation Measures:** Discuss mitigation measures if warranted.

## **G. NOISE, ODOR, LIGHT**

### **1. Noise**

**Existing Conditions:** Describe the existing ambient noise levels from the project site.

**Potential Impacts** of the Proposed Project -Assess the potential noise impacts including blasting anticipated during construction of the proposed project and its impact on the surrounding area.

**Mitigation Measures:** Discuss mitigation measures, if warranted.

### **2. Light**

**Existing Conditions:** Describe existing light conditions of the project site.

**Potential Impacts:** Discussion of the potential sky-glow impact from the lighting of the proposed project will be evaluated.

**Mitigation Measures:** Discuss mitigation measures, if warranted.

## **H. CONSISTENCY WITH COMMUNITY AND COMPREHENSIVE PLAN**

### **1. Land Use**

**Existing Conditions:** Describe existing land uses of the project site and the surrounding area and the town's comprehensive plan.

**Potential Impacts:** Describe the relationship with the proposed project and discuss the potential effects of this project on the current surrounding land use pattern and whether the proposed project conforms with the town's comprehensive plan.

**Mitigations Measures:** Discuss mitigation measures, if warranted.

### **2. Public Infrastructure**

#### **a. Sanitary Sewer**

**Existing Conditions:** Describe existing infrastructure on site.

**Potential Impacts:** Discuss the extension and connection to sanitary sewer system because of the project.

**Mitigation Measures:** Discuss mitigation measures, if warranted.

#### **b. Utilities**

**Existing Conditions:** Describe existing infrastructure on site.

**Potential Impacts:** Discuss the anticipated electrical demand from the operation of the proposed project. Discuss extension and connection of electric utilities to the proposed project site.

**Mitigation Measures:** Discuss mitigation measures, if warranted.

#### **IV. UNAVOIDABLE ADVERSE IMPACTS**

This section of the DEIS will identify any impacts that are likely to occur despite mitigation measures and will compare the beneficial and adverse implications of any 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. As-off right conventional residential subdivision plan.

#### **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, including those in Livingston Manor and population characteristics.

#### **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. EFFECTS ON CLIMATE CHANGE**

This chapter will discuss measures to avoid or reduce both the action’s impacts on climate change and associated impacts because of climate change such as sea level rise and flooding.

#### **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, Visual Analysis, 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