

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:

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Public Scoping Session Conducted:

Livingston Manor Fire Station
93 Main St, Livingston Manor, NY 12758
DATE: 28 February 2023

Direct Written Comments to k.madison@townofrocklandny.com

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

5 April 2023

INTRODUCTION

This 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 a 15 lot subdivision and the construction of 9 residential homes with an agritourism operation including a regenerative farm, 42 unit campground and hotel with restaurant and Guest house.

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 is a 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 private water and public sewer collection are proposed to service the housing, camping, restaurant and guest house. 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 Construction SPDES Permit.

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 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.

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 Special Use 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 **appendices**.

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 all proposed uses.
3. Discuss intended development schedule and construction phasing in detail.
4. Identify zoning and describe existing and proposed land uses applicable to the project site.
5. Discuss the project in context of the Town of Rockland Comprehensive Plan.
6. 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 permitting 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.
7. 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 and discuss the public need for the proposed action **as envisioned by the project sponsor.**

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 and the agencies authority with regards to approvals and permits.

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; On-site soil sampling will be undertaken to confirm mapped soils; Permeability tests will be required for all proposed stormwater infiltration practices in accordance with NYSDEC Design Guidelines.

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. Identify cut and fill quantities from grading plans. **Address cut and fill required to be imported/exported and impacts associated with excess or import of material. Slope stability of existing soils and post development slopes.**

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. Provide SWPPP in compliance with NYSDEC and Town of Rockland requirements. **Slope stability for existing slopes and final construction grades.**

2. Topography

Existing Conditions: Existing contours will be mapped. **At a two foot contour interval.** 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. **Impacts to steep slopes near property lines and off site.**

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. Avoidance of impacts to steep slopes must be discussed. **Slope stabilization will be addressed for on site and adjacent steep slopes.**

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. Site specific test borings and or test pits to locate depth to bedrock in all disturbed areas and utility corridors must be provided. Provide location map of test boring/pits. Test boring should be in areas of 4' or more cut based on Grading Plan.

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

- 1) Blasting
- 2) Mechanical removal.
- 3) Noise
- 4) Timing
- 5) Phasing
- 6) Road Closure Plan
- 7) **Impacts to off site structures.**

Mitigation Measures: Provide Blasting Plan protocols if blasting required. Discuss mechanical rock removal methods and limitations. Provide analysis of deep cuts at access road. Provide discussion of No Blast dates based on events in hamlet. **Pre blast/ post blast surveys, seismic and air blast monitoring.**

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. **Map the location of all water courses, including but not limited to Cattail Brook, Willowemoc Creek. And the unnamed tributary on the western portion of the 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.
- c. Field Survey of Wetland Flags will be provided.
- d. Describe and identify Willowemoc Creek, a cold water Trout stream.

Potential Impacts: Calculate the area of proposed wetland disturbance based on grading plans to quantify impacts 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. Stream Crossing Plan will be detailed to determine impacts to water resources. **Identify wetland impacts of shading from Bridge structure.**

Mitigation Measures:

- a. A basis for degree of mitigation.
- b. Construction methods and best management practices that will be employed to **mitigation** erosion and to prevent sediment from migrating off-site or into nearby waterbodies and wetlands based on NYSDEC criteria.
- c. Mitigation measures for proposed wetland crossing will be described and depicted on plan sheets. **Provide detail plan of wetland crossings.**
- d. 5 Acre Maximum Disturbance – Construction Phasing will be discussed and a Construction Phasing Plan provided.

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 Stormwater Management 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 **at existing natural channels/streams**. Stormwater management practices and an outline of green infrastructure/runoff reduction practices utilized for the project will be performed per current NYSDEC Design Standards.

Potential Impacts: A Stormwater Management 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 runoff reduction 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) during and after construction. 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 during and 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.
- c. Identify and study impacts to the Willowemoc **Creek and nearby water courses** including thermal impacts from development within the watershed.
- d. Address new point discharge locations and impacts.

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 requirements that will reduce post construction increases in pollutants. Identify and discuss green

infrastructure practices. Provide plan which addresses runoff reduction and green infrastructure. Provide for long term maintenance of stormwater practices through legal mechanism, HOA or drainage district.

3. Wastewater Treatment

Existing Conditions: Estimate wastewater flows by facility and unit type. Identify NYSDEC effluent limitations that apply to receiving surface waters. Discuss existing Town sewage treatment and collection system. Provide existing SPDES permit. Provide analysis of 3 year DMR's. Discuss any permit exceedances.

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 Creek. No onsite treatment systems are proposed. Prepare and provide a conceptual plan of the wastewater collection and conveyance system. Provide Map, Plan & Report for Sewer District Extension.

Mitigation Measures: Discuss mitigation measures.

- 1) Low Flow Fixtures.
- 2) Use of existing Sewer Treatment Plant.
- 3) Any improvements to existing system.
- 4) Financial analysis. Discuss existing debt with the Sewer District. Discuss available capacity based on existing condition and district build out.
- 5) Alternatives to municipal connections.

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. Discuss need for Flood Plain Development Permit.

Mitigation Measures: Discuss mitigation measures.

- 1) Evidence of impacts.
- 2) Protection of Flood Plain areas.
- 3) Address point discharges from site. Analyze discharge from site to a natural water course.

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 be included in Hydrogeologic Report. Address highest water users for testing.
- 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.
- d. Address agricultural water use.

Mitigation Measures: Discuss mitigation measures, including consideration of connecting to Town's water main, infiltration practices, low flow fixtures. Reduced agricultural water use.

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 Road @ Creamery Road
 - Site Access @ Creamery Road
 - Creamery Road @ Main Street
- c. Collect additional data including roadway geometry along Hoag Road, Hoag Street, High Street, Creamery Road, and Main Street, including speed limits and traffic control.
- d. 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.
- e. Review historical traffic volume data in the area.
- f. Sight distance evaluation of intersections.
- g. Evaluate existing speed on Creamery Road. Document actual vehicle speeds for intersection evaluation.

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
- d. Emergency vehicle access.
- e. Private road access and maintenance.
- f. Road closures due to construction.
- g. Vehicle and traffic control.
- h. Provide level of service analysis in the existing and proposed conditions at the following intersections:
 - Hoag Road @ High Street
 - Hoag Street @ Creamery Road
 - Site Access @ Creamery Road
 - Creamery Road @ Main Street

Mitigation Measures:

- a. Identify mitigation measures
- b. Identify safety improvements or capacity improvements necessary, if any, to mitigate impacts from the project on the adjacent roadway network.
- c. Sight distance improvement at main entrance and Hoag Road.
- d. Road closure detour plans.
- e. Construction related to traffic mitigation.

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 will be prepared utilizing industry standard photo simulations. 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) will be presented and addressed in this section of the DEIS in the format of Existing Conditions, Potential Impacts and Mitigation Measures. Prepare Visual Simulation of project access road at Creamery Road existing and proposed photo simulation to be provided. Provide visual simulation at residential structures adjoining project site.

F. OPEN SPACE AND RECREATION

1. Ecosystem Services.

Existing Conditions:

- a. 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.
- e. Prepare a Tree Survey within limits of disturbance. Document size, species of all trees greater than 12" diameter.

Potential Impacts: Describe potential impacts from the proposed development on Ecosystem Services. Evaluate impacts regarding tree removal. **Impacts to adjoining residential properties. Buffers from existing properties. Proximity of proposed recreation to adjoining residential parcels.**

Mitigation Measures: Discuss mitigation measures. Protect significant trees, revise site grading. **Buffers from adjoining properties.**

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 and/ or mechanical rock removal anticipated during construction of the proposed project and its impact on the surrounding area.

Mitigation Measures: Discuss mitigation measures. Address blasting protocols and mechanical rock removal.

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. Provided Lighting Plan with ISO lumens for lights.

Mitigation Measures: Discuss mitigation measures.

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. Describe existing Zoning for the site and compliance with underlying zoning. Discuss Subdivision Regulations and compliance. **Discuss the project in context of existing 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 Zoning and Comprehensive Plan.

Mitigations Measures: Discuss mitigation measures, **buffers, screening, lighting, Hamlet events.**

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.

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.

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.
- C. On site sewer.
- D. Municipal water connections.

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 *List proposed 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, Biodiversity Habitat Study, Hydrogeologic Study, Bedrock Analysis, Lighting Analysis, and 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