

SCOPING DOCUMENT

FOR A

Draft Environmental Impact Statement

Karlsburg Acres Development
Seven Springs Mountain Road & Seven Springs Road, Village of Kiryas Joel, Orange County

Applicant:

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DRAFT
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GENERAL GUIDELINES

- The Draft Environmental Impact Statement (“DEIS”) shall address all items in this Scoping Document and conform to the format outlined in this Scoping Document. If appropriate, impact issues listed separately in this outline may be combined in the DEIS, provided all such issues described in this Scoping Document are addressed as fully in a combined format as if they were separately addressed.
- The document should be written in the third person. The terms "we" and "our" should not be used. The Applicant's conclusions and opinions should be identified as those of the “Project Sponsor,” "Applicant" or "the Developer."
- Narrative discussions should be accompanied by appropriate charts, graphs, maps, and diagrams whenever possible. If a particular subject matter can most effectively be described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically.
- The entire document should be checked carefully to ensure consistency with respect to the information presented in the various sections.
- Environmental impacts should be described in terms that the layperson can readily understand (e.g., truckloads of fill and cubic yards rather than just cubic yards).
- All discussions of mitigation measures should consider at least those measures mentioned in the Scoping Outline. Where reasonable and necessary, mitigation measures should be incorporated into the Proposed Action if they are not already included.

The DEIS is intended to convey general and technical information regarding the potential environmental impacts of the proposed project to the Village of Kiryas Joel Planning Board (as Lead Agency), as well as several other agencies involved in the review of the proposed project. The DEIS is also intended to convey the same information to the interested public. The Preparer of the DEIS is encouraged to keep this audience in mind as it prepares the document. Enough detail should be provided in each subject area to ensure that most readers of the document will understand, and be able to make decisions based upon, the information provided.

As the DEIS will become, upon acceptance by the Lead Agency, a document that may, if appropriate, support objective findings on approvals requested under the application, the Preparer is requested to avoid subjective statements regarding potential impacts. The DEIS should contain objective statements and conclusions of facts based upon technical analyses. Subjective evaluations of impacts where evidence is inconclusive or subject to opinion should be prefaced by statements indicating that “It is the Applicant’s opinion that...”. The Lead Agency reserves the right, during review of the document, to require that subjective statements be removed from the document or otherwise modified to indicate that such subjective statements are not necessarily representative of the findings of the Lead Agency.

Brief Description of the Proposed Action

The proposed action involves the construction of a 608-unit residential subdivision within the existing community of Kiryas Joel. The proposed action will include the construction of 82 new buildings; 80 residential buildings, 1 public shul, and 1 commercial building. The proposed action will include parking to service all proposed facilities as well as public utilities including water, sewer, storm sewer, electric, and gas services. The existing project area is wooded and bordered by residential development to the south, woods to the north, and rural development to the east and west. Development will occur on tax parcels 367-1-4,5,6,7,8, and 367-1-1 through 32.

Involved Agencies

NYS Department of Environmental Conservation
Orange County Department of Public Works, Sewer District #1
Orange County Department of Health, Division of Environmental Health
Village of Kiryas Joel Department of Public Works
Village of Kiryas Joel Board of Appeals

Interested Agencies

Orange County Department of Planning
Town of Monroe
Town of Palm Tree
Village of Kiryas Joel Board of Trustees
Kiryas Joel Fire Department
Kiryas Joel Village Union Free School District
State Historic Preservation Office

PURPOSE OF THE SCOPING DOCUMENT IN SEQRA

The basic purpose of SEQRA is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional, and local government agencies at the earliest possible time. To accomplish this goal, SEQRA requires a determination of whether a proposed action may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare or request an EIS. A Full Environmental Assessment Form (FEAF) was prepared for the proposed action. Based upon the information in the FEAF, the Village (serving as SEQRA Lead Agency) determined that it may result in significant adverse environmental impacts and called for the preparation of an EIS.

It was the intention of the State Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations, and that those factors be considered together in reaching decisions on proposed action. It is not the intention of SEQRA that environmental factors be the sole consideration in decision-making.

The draft scoping document presents an initial review of potential environmental impacts of the proposed Ordinance under SEQRA. The primary goals of scoping are to focus an EIS on potentially

significant impacts and to eliminate consideration of those impacts that are not relevant or non-significant with respect to the proposed action. The purpose of the draft scoping document is to provide an opportunity for involved agencies, interested agencies, and the public to review and comment on the identification of significant environmental conditions and resources that may be affected by the proposed action, and the extent and quality of information necessary to address those issues during the SEQRA process.

Pursuant to New York State Environmental Conservation Law Article 8, SEQRA; and Part 617 of Chapter 6 of the New York Code of Rules and Regulations (NYCRR), the Lead Agency adopted a positive declaration and declared its intent to prepare a Draft Environmental Statement (DEIS). In accordance with SEQRA, the DEIS will address specific adverse environmental impacts which can reasonably be anticipated. The final scoping document will identify the environmental conditions and resources that may be adversely affected by the proposed action, and will define the extent and quality of information necessary to address those issues.

POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS

A review of the following categories will be completed in order to identify whether significant environmental impacts are anticipated:

- Geology, Soils, and Topography
- Water Resources
- Climate and Air Quality
- Vegetation and Wildlife
- Aesthetic/Visual Resources
- Historic, Cultural, and Archaeological Resources
- Open Space and Recreation
- Traffic and Transportation
- Noise and Odor
- Documented Environmental Conditions
- Land Use and Zoning
- Public Health and Community Services

FORMAT AND SCOPE OF DEIS

COVER SHEET

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

- Identification as the Draft Environmental Impact Statement;
- The date the document was submitted to the Planning Board;
- The name and location of the Project;
- The Lead Agency for the Project, and the name, address, telephone number of the contact person for the Lead Agency;
- The name and address of the Project Sponsor, and the name and telephone number of the contact person representing the applicant;
- The name, address and email address of the primary preparers of the DEIS, and a contact person representing the preparer;
- The date the DEIS was accepted by the Lead Agency as complete (to be inserted at a later date);
- The date of the public hearing and subsequent adjournments (to be inserted at a later date);
- The date which public written comments on the DEIS are due (to be inserted at a later date); and
- All revision dates of the DEIS.

TABLE OF CONTENTS

The DEIS will include a Table of Contents identifying major sections and subsections of the document. The Table of Contents must also include a list of figures, tables, appendices and any additional volumes if necessary.

I. EXECUTIVE SUMMARY

An Executive Summary shall be required and will provide an abstract of the more comprehensive information included within the document. No information will be included in the Executive Summary that is not found within the body of the document. The Executive Summary will include the following elements:

- An Introduction, including the purpose of the DEIS, a relevant history of the SEQRA process that has occurred (*i.e.*, relevant dates establishing Lead Agency, the date of adoption of the Positive Declaration, date of the acceptance of the Scoping Document) and the Type of Action under SEQRA.
- Project Site Existing Conditions - provide a short description of the subject property and characterize its location and natural features as well as provide a brief history of the use of the property.
- Description of the Proposed Action - overview of the project layout, size and use of proposed structures, parking, circulation, landscaping, lighting, and proposed utilities.
- List of Involved and Interested Agencies.
- Project purpose, public need, and benefits.
- Summary of Unavoidable Adverse Environmental Impacts.

- Alternatives to the Proposed Action including the mandatory ‘no-build’ alternative.
- Summary of Irreversible Commitment of Resources.
- Summary of Growth Inducing Impacts.

II. PROJECT DESCRIPTION

A. Site Location – This section will include a narrative description and graphical representation of the location of the proposed project. In addition, parcel acreage, tax map designation, abutting streets, zoning designations, surrounding land uses, existing utilities (and access thereto) will be included as well as any and all easements, rights-of-way, special district boundaries and any other legal agreements that may affect the proposed use of the site.

B. Description of Proposed Action – This will include written and graphical representation of the Proposed Action including general layout of the site, proposed units, buildings and structures, site access, circulation and parking. Any improvements to public rights of ways or other public improvements will be discussed. Proposed drainage, utilities and construction phasing will be summarized.

C. Project Public Need and Benefit – This section will include a narrative description of the public need for the project, it shall identify the objectives of the project sponsor and the public benefits achieved by the development of the proposed action.

D. Permits and Approvals required – This section will list the Involved Agencies for the Proposed Action and the necessary approvals, etc. and a list of the Interested Agencies.

III. EXISTING CONDITIONS, POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURES

With respect to each issue (or set of issues) described below in the various resource sections, the corresponding section of the DEIS will identify in sequence: the existing environmental conditions; the potential impacts of the proposed action; and anticipated measures to avoid, minimize, and/or mitigate those impacts, as appropriate. The impacts and mitigation measures presented in these sections will include those related to the proposed action’s operation as well as its construction.

The text of these sections will be supplemented with maps, graphics, agency correspondence and agency data/analyses, Geographic Information System (GIS) data and newly prepared support studies, as appropriate, to convey the required information.

A. Geology, Soils, and Topography

This section will evaluate and describe topography, surface and subsurface soils, and bedrock conditions within the Project site. Potential impacts to soils could result from excavation and grading for construction of the facility, potential importing of fill materials, building foundations, site restoration, and landscaping. Topographical concerns include changes in slope during or after Project implementation that could alter drainage patterns and potentially increase runoff.

Descriptions of existing conditions will be based upon published data (e.g., the Soil Survey of Onondaga County, electronic data from the Natural Resources Conservation Service, topographic mapping from the U.S. Geological Service, and maps and files from the New York State Museum). Potential impacts associated with the proposed Project will be identified and evaluated relative to the characterization of existing conditions provided in the sources noted above. This section will also describe mitigation measures that will be used to avoid, minimize, or mitigate impacts to geology, soils, and topography resulting from the proposed construction, including an approved erosion and sediment control plan. In addition, soil borings will be completed and results will be provided in a geotechnical report prepared for the Project.

B. Water Resources

This section of the DEIS will describe water resources at the Project site. Existing conditions, potential impacts and mitigation measures will be presented for each topic area.

Surface Waters

This section will describe natural and/or man-made surface waters (i.e., wetlands, streams, rivers, lakes, and ponds) within and adjacent to the Project site (if any), including their respective state and federal classifications. An on-site wetland delineation will be conducted in accordance with U.S. Army Corps of Engineers (Corps) Wetland Delineation Manual and The Northcentral and Northeast Regional Supplement. A delineation report will be included as an Appendix to the DEIS. If relevant and applicable, the DEIS will identify the need for any Article 24 Freshwater Wetlands permits and/or Article 15 Stream Disturbance Permits, or approvals required under Sections 401 and 404 of the Clean Water Act. Project-related impacts to surface water resources will be described, along with proposed measures to avoid, minimize and/or mitigate such impacts. Mitigation, if needed, will be developed in accordance with the Corps mitigation rules.

Groundwater

This section will describe groundwater resources within the Project site, including known aquifers including limits and permeability. Potential impacts associated with the proposed Project will be identified and evaluated relative to the characterization of existing conditions provided in the sources reviewed.

Floodplains and Floodways

This section will identify any FEMA-mapped floodplain or floodway areas (as well as any local data), and provide an assessment of potential Project-related impacts to floodplains or floodways (if any). Potential impacts associated with the proposed Project will be identified and evaluated relative to the characterization of existing conditions provided in the sources noted above.

Stormwater

The DEIS will describe anticipated construction related impacts to drainage, stormwater runoff, and consequent effects upon water quality in the vicinity of the construction site.

This section will be informed by the site-specific Preliminary Storm Water Pollution Prevention Plan (SWPPP), to be developed and approved prior to construction, which will include the following:

- Preliminary SWPPP: This document will be developed in accordance with the guidance outlined in the NYSDEC Stormwater Management Design Manual and will describe measures for controlling runoff and pollutants from the Project site during and after construction activities. Typical components of SWPPPs include measures that reduce or eliminate erosion and sedimentation, control volume and peak rate of stormwater runoff, and maintain stormwater controls during and after completion of construction. A Preliminary SWPPP will be included as an Appendix to the DEIS.

C. Climate and Air Quality

This section will describe the regional climate and existing air quality status in the vicinity of the Project site based on publicly available data. Further, it will discuss the potential impacts that could occur during Project construction or operation. Mitigation measures designed to minimize these impacts will be described in this section of the DEIS.

D. Vegetation and Wildlife

The section will describe the dominant plant species, ecological communities, wildlife species, and available habitat within the Project site. In addition, any known occurrences of state- or federally-listed plant or animal species (or available habitat for such species) identified by an information request submitted to the New York Natural Heritage Program (NHP) and by a review of the U.S. Fish & Wildlife Service's online IPAC system will be evaluated. Field studies and ecological evaluations will be conducted in accordance with established NHP and USFWS protocols and guidance. An Ecological Report will be prepared in support of the Project and included as an Appendix to the DEIS. Potential impacts associated with the proposed Project will be identified and evaluated relative to the characterization of existing conditions. Proposed measures to avoid, minimize, or mitigate impacts to ecological resources will also be included. Agency correspondence related to state- or federally-listed plant or animal species will be included in an Appendix to the DEIS.

E. Aesthetic/Visual Resources

This section will describe the existing visual character in the vicinity of the Project site, evaluate visual impacts associated with construction and operation of the proposed project, and recommend measures to avoid, minimize, or mitigate any adverse impacts to aesthetic resources. Analysis will include identification of visually sensitive sites and/or critical views within (approximately) 1 mile of the proposed facility, with emphasis on views from publicly accessible areas. Photographs will be taken to document existing conditions. In addition, computer-generated visual simulations and/or architectural renderings will be prepared to depict the appearance of the completed Project.

F. Historic, Cultural, and Archaeological Resources

The section will identify sites, structures, and districts with significant historic and/or archaeological value within or adjacent to the Project site, and recommend measures to avoid,

minimize, or mitigate any adverse impacts to cultural resources. Potential impacts associated with the proposed Project will be identified and evaluated relative to the characterization of existing conditions. Nearby/adjacent open space and recreation opportunities will also be discussed, along with the Project's interaction with such resources. SHPO Consultation and/or Correspondence related to historic, cultural, and archaeological resources will be included in an Appendix to the DEIS.

G. Open Space and Recreation

The Project area is a privately-owned property. As such, there is no sanctioned or authorized public use of the site. The section will document the authorized and unauthorized uses of the Project site in terms of open space and recreation, and describe the anticipated effects of the Project upon such use in the area.

H. Traffic and Transportation

This section of the DEIS will document existing vehicular use of the Project site and vicinity, describe the anticipated effects of the proposed Project on transportation-related use and infrastructure, and recommend measures to avoid, minimize, or mitigate any adverse impacts. A Traffic Impact Study and Assessment will be prepared in support of the Project included as an Appendix to the DEIS.

I. Noise and Odor

This section will generally describe existing conditions at the Project site (based on publicly available data) relative to noise, odor, and lighting. It will identify potential sensitive receptors, evaluate associated Project impacts related to both construction and operation, and discuss measures to avoid, minimize, or mitigate any such impacts.

J. Documented Environmental Conditions

This section will describe recognized environmental conditions at the Project site. Potential impacts associated with the Project within or in the vicinity of such recognized environmental conditions will be identified, and mitigation measures recommended as appropriate.

K. Land Use, Zoning and Community Character

This section will describe the existing character of the Project site and adjacent community. The Applicant intends to design the Project consistent with the site design requirements of applicable Town Codes to the extent practicable. In addition, the Applicant will modify and/or revise the Project plans based on input and comments provided by the applicable Village Planning Board to the extent practicable. Therefore, this section will describe the existing land use at the Project site and adjacent properties and review relevant land use regulations. In addition, this section will evaluate potential impacts regarding the proposed Project's compatibility with surrounding land and impacts to community character use, as well as discuss measures to avoid, minimize, or mitigate any Project-related impacts.

L. Public Health and Community Service

This section will generally describe existing conditions at the Project site relative to public health and safety as well as community services, including local police, fire and emergency services, solid waste management, and infrastructure services including wastewater treatment and potable water. Information will be based on publicly available data, personal communications with service providers, and/or review of pertinent literature. The DEIS will identify how the proposed Project may impact these services, and mitigation measures will be identified, as needed. This section will describe how the Project will comply with federal Homeland Security regulations and guidelines.

IV. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

This section of the DEIS will identify impacts that are likely to occur despite mitigation measures, and will compare these unavoidable impacts to Project-related benefits. This section will also identify general avoidance and mitigation measures (e.g., adherence to applicable regulatory requirements), and specific mitigation measures (e.g., development of a SWPPP).

V. ALTERNATIVES

The DEIS will include a description and evaluation of the range of reasonable alternatives to the proposed action that are feasible, considering the objectives of the Project Sponsor. Alternatives to be considered will include the “no action” alternative and may include other alternatives that would rely upon alternate Project location, alternate Project layout, or alternate Project scale/extent to either reduce or eliminate potential impacts.

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This chapter will summarize the proposed project and its impacts in terms of the loss of environmental resources, both in the immediate future and in the long term.

VII. GROWTH INDUCING IMPACTS

This chapter will discuss whether there is a growth inducing impact as a consequence of the approval and construction of the Proposed Action.

VIII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

This section of the DEIS will describe the effect of the proposed Project on the use and conservation of energy.

IX. REFERENCES

This section of the DEIS will list any sources of information cited directly within the narrative text unless otherwise recognized or footnoted within the text.

APPENDICES TO ACCOMPANY DEIS

At a minimum, and as described in more detail in the previous sections, the following materials will be included in an Appendix to supplement the information presented within the narrative:

- Relevant maps and figures
- Available preliminary project plans, specifications, and/or construction information

- Preliminary Stormwater Pollution Prevention Plan (SWPPP)
- Wetland Delineation/Ecological Report
- Relevant agency correspondence
- Traffic Impact Analysis

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