

SCOPE FOR A DEIS
(6 NYCRR PART 617 N.Y.S.E.Q.R.)

TOWN OF CORTLANDT
PLANNING BOARD

Date: 12/20/06
Revised:
Adopted:

RE: PB 24-06 Application (PB 24-06) of Ace Sport Realty Holding Corp., c/o Philip Hersh for Site Development Plan Approval and for Steep Slope and Tree Removal Permits for two retail/office buildings totaling 31,000 square feet located on a 2.08 acre parcel of land as shown on a seven page set of drawings entitled "Retail/Office Buildings Main Street Plaza" prepared by Ralph Mastromonaco, P.E., P.C. latest revision dated October 18, 2006. The subject application is submitted pursuant to Chapter 307, Article XII (Site Development Plan Approval) and for permits pursuant to Chapter 259 (Steep Slopes), and Chapter 283 (Tree Removal) of the Town of Cortlandt Code. The subject property of 2.08 acres is zoned CD, Designed Commercial and is located on the north side of Route 6 at the intersection with the Bear Mountain Parkway and Jacobs Hill Road and is designated on the Town of Cortlandt Tax Maps as Section 23.20, Block 1, Lots 2 & 3.

I. COVER SHEET

- A) Identify the report as a Draft Environmental Impact Statement.
- B) Name or other descriptive title of the project.
- C) Location of the project.
- D) Name and address of the lead agency which required preparation of the statement and the name and telephone number of a person at the agency to be contacted for further information.
- E) Name and address of the preparers of any portion of the statement and a contact name and telephone number.
- F) Date of acceptance of the Draft EIS (when accepted).
- G) In the case of a Draft EIS, the deadline date by which comments are due should be indicated (when determined).
- H) Name and address of the project sponsor and the name and telephone number of a contact person representing the applicant.

II. TABLE OF CONTENTS AND SUMMARY

- A) Brief description of the action.
- B) Brief listing of anticipated significant, beneficial, and adverse impacts (issues of controversy must be specified).
- C) Mitigation measures proposed for each impact issue identified in the DEIS.
- D) Brief description of the project alternatives considered in the DEIS and a table presenting each alternative relative to the various impact issues.
- E) Matters to be decided (permits, approvals, funding).
- F) List involved agencies and interested parties including the address and contact person, required approvals and scope of involvement in the approval process.

III. CONCISE DESCRIPTION OF THE PROPOSED ACTION

- A. Project purpose, public need and benefits
 - 1. Prior projects of the applicant and history of the project site.

2. Public need for the project, and municipality objectives based on adopted community development plans.
3. Describe the proposed development including but not limited to:
 - a) objectives of the project sponsor
 - b) proposed building improvements including square feet of floor space and use of new space per zoning regulations
 - c) proposed site plan improvements including access and internal drives, parking and loading areas and the total amount of impervious surfaces
 - d) proposed utilities, landscaping and lighting
4. Benefits of the proposed action to the Town and to the region.
 - a) commercial services
 - b) economic benefits

B. Location

1. Establish regional and local geographic boundaries of the project.
2. Description of all existing road frontage and the existing and proposed vehicular access to the site including right-of-way ownership and existing nearby driveways.
3. Description of existing zoning regulations for the site and land uses and zoning for surrounding and across the street properties.

C. Design and Layout

1. Total site area:
 - a) Proposed impervious surface area (structures, roads, driveways).
 - b) Total amount of land area to be cleared with areas listed for steep slopes and wooded areas to be disturbed.
 - c) Zoning requirements vs. proposed action.
2. Structures and Site Improvements:
 - a) Plans for the location of proposed buildings, driveways, sidewalks and parking lots.
 - b) Grading plans and driveway profiles and sections including limits of disturbance and proposed cut and fill, regrading and the amount of earth to be removed from and/or delivered to the site including areas of steep slopes and wooded areas to be disturbed.
 - c) Staging area for material and equipment storage.
 - d) Drainage plans including but not limited to proposed drainage facilities for detention and water quality.
 - e) Utility plans for water and sewer.
 - f) Landscaping, lighting, sidewalks and signage plans.
 - g) Distances to nearby residential uses.
 - h) Buffer areas and building setbacks including landscaping and/or fencing to screen adjacent properties.
 - i) Building elevation drawings showing the color, type and design of the proposed buildings.
 - j) Describe how this project will enhance the community.
 - k) Describe solid waste storage facilities and truck loading areas and delivery hours.

D. Construction and Subsequent Maintenance

1. Construction
 - a) Total construction period anticipated.
 - b) Schedule and phases of construction.
 - c) Soil erosion and sedimentation control plans and details for proposed construction as recommended by the Westchester County Best Management Practices Manual.
 - d) Soil erosion control, performance securities and site monitoring by the Town required by the Planning Board to guarantee soil erosion controls and completion of the project.
 - e) Total amounts of topographic cuts and fills.
 - f) Total number, size and species of trees to be removed.
2. Maintenance:
 - a) Ownership and year round maintenance of internal driveways and parking areas, including snow storage areas and snow and ice controls and sewer and water lines and other utilities.
 - b) Maintenance and monitoring of proposed soil erosion and sedimentation controls during and following construction.
 - c) Maintenance and monitoring of the proposed stormwater drainage system during and after construction including associated costs, funding, maintenance schedule, responsible entitles and enforcement of maintenance.

E. Approvals

1. List all permits or approvals required and the involved agencies with mailing addresses including but not limited to the approvals and/or permits from the New York State, Town of Cortlandt and Westchester County.

IV. A CONCISE DESCRIPTION OF THE ENVIRONMENTAL SETTING, AN EVALUATION OF THE POTENTIALLY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS AND THE PROPOSED MITIGATION MEASURES (analyze potential impacts listed under the following sections and identify and analyze measures to mitigate these and any other potential impacts associated with the project).

A) Geology

1. Existing Conditions - Subsurface:
 - a) Composition and thickness of subsurface material including but not limited to: depth to and nature of, bedrock formations and impermeable layers, occurrence of an extractive mineral resource, usefulness as construction material.
2. Existing Conditions - Surface:
 - a) Identify soil types and their distribution based on Soil Conservation Service mapping.
 - b) Discussion of soil characteristics based on on-site investigations including but not limited to physical properties of soils, hydrological capabilities and engineering

- c) properties.
Suitability of soils for use.
- 3. Existing Topography:
 - a) Provide current topographic mapping with a 2 foot contour and a description of topography at project site, including showing slopes in the following categories: 0 to 10%, 10 to 15%, 15 to 20% and over 20%; and prominent or unique features.
 - b) Description of topography of surrounding area.
 - c) History of past modifications to the property from available information.
- 4. Potential Significant Adverse Impacts and Related Proposed Mitigation Measures:
 - a) Topographic alterations shown on a proposed grading plan to slopes 15% or greater and where the general slopes in the project area exceed 10% including an evaluation of criteria for consideration of a Steep Slope Permit pursuant to Chapter 259 of the Town of Cortlandt Code.
 - b) Changes to on-site bedrock and rock outcrops including blasting (if applicable) during construction and possible effects on aquifers and nearby properties.
 - c) Possible soil erosion and sedimentation caused by tree removal, site disturbance and topographic changes for the proposed project.
 - d) Radon gas potential.
 - e) Suitability of soils and topography for construction of proposed improvements.
 - f) Amount of topographic cuts and fills proposed.
- 5. Proposed Additional Mitigation Measures, If Any.

B. Water Resources

- 1. Existing Conditions - Groundwater:
 - a) Location and description of aquifers and recharge areas including but not limited to depth of water table, seasonal variation, quality, quantity and flow and FEMA floodways .
 - b) Identification of present uses and level of use of groundwater, location of any existing wells and public/private water supply including quality, quantity, and facilities.
- 2. Existing Conditions - Surface water:
 - a) Location and description of wetlands, water bodies and watercourses, if located on and adjacent to the project site.
 - b) Description of existing drainage areas, patterns, channels, and stormwater management facilities on and adjacent to the site.
 - c) Discussion of potential for flooding and soil erosion and siltation.
 - d) Discussion of site's location in the watershed.
- 3. Potential Significant Adverse Impacts and Proposed Mitigation Measures:
 - a) Proposed changes to existing drainage patterns caused by vegetation removal, regrading and additional impervious areas for

the proposed project including short and long term effects of changes in the hydrology, on site watercourses, water bodies, wetlands and groundwater and the possible effects off site.

- b) Potential flooding onto contiguous properties.
 - c) Proposed drainage controls shown on a proposed drainage plan to reduce stormwater off-site impacts with estimated runoff for up to a 100 year storm both during and after construction including mitigation methods to control the volume, velocity, pollutants and sedimentation associated with an increase in stormwater runoff from the proposed impervious surfaces (use the TR-55 or equal methodology).
 - d) Potential soil erosion and sedimentation impacts on the watershed during and after construction of the project in terms of soil erosion and sedimentation control plans pursuant to the Westchester County Best Management Practices Manual and the mitigation of soil erosion and sedimentation impacts to protect the water quality of the watershed. Provide a soil erosion and sedimentation control plan.
 - e) Potential impacts from stormwater pollutant loadings, including a Stormwater Pollution Prevention Plan pursuant to the NYSDEC Regulations.
 - f) Estimated irreducible pollutant concentrations discharged from proposed soil erosion and sedimentation controls and analyze its effects on the watershed.
 - g) Evaluate potential impacts on water quality from fertilizers, pesticides and herbicides and on any existing wells on adjacent property.
 - h) Evaluate potential impacts of the proposed stormwater drainage systems as applicable in terms of:
 - (1) SPDES General Permit for Storm Water Discharges from Construction for the areas of disturbance greater than 1 acre including a Storm Water Management Plan that addresses requirements contained in this permit.
 - (2) New York State rules, regulations and permits.
 - (3) Westchester County Health Department rules, regulations and permits.
 - i) Any potential impact to FEMA Floodways.
- 4) Proposed Additional Mitigation Measures, if any.

C. Air Resources

- 1. Existing Conditions - Air Quality
 - a) Description of the existing National and State Air Quality Standards for the project area and the compliance status for each standard.
 - b) Identification of existing sources of pollutants – fixed and mobile.
 - c) Identification of any sensitive receptors in project area such as hospitals, schools, nursing homes, parks and residential areas.
- 2. Potential Significant Adverse Impacts and Related Proposed Mitigation Measures:

- a) Potential adverse impacts on adjacent properties caused by construction related dust and noise and construction equipment exhaust both operating on site and on existing roads to access the site.
- b) Impact on air quality caused by increased traffic levels.

3. Proposed Additional Mitigation Measures, if any.

D. Terrestrial and Aquatic Ecology

1. Existing Conditions – Vegetation and Wildlife

- a) Prepare a tree survey of the subject property by a licensed land surveyor which shows the tree location, diameter and species of trees with a 8" and greater diameter (measured 4' above grade) in areas of proposed disturbance for all improvements.
- b) List vegetation and wildlife types of the project site and within the surrounding area for all four seasons of the year, the ecological characteristics of the area and project site investigations.

2. Potential Significant Adverse Impacts and Related Proposed Mitigation Measures:

- a) Regrading and removal of existing vegetation and wildlife habitats.
- b) Cumulative impacts resulting from the destruction of vegetation and wildlife habitats from this and other proposed development for which applications are pending in the Town of Cortlandt within a 1/2 mile radius habitats including but not limited to rare and endangered species and wildlife corridors.
- c) Impacts on adjacent property.
- d) Protect large existing trees to remain on the subject property.

3. Proposed Additional Mitigation Measures, if any.

E. Transportation (for traffic studies use the most recent Highway Capacity Manual published by the Transportation Research Board or equal)

1. Existing Transportation Services and Conditions

- a) Description of the size, capacity, condition, maintenance and ownership of the following area roads in the vicinity of the project site:
 - Route 6
 - Bear Mountain Parkway
 - Jacobs Hill Road
 - Parkway Drive
 - Conklin Avenue
 - Locust Avenue
 - Dayton Lane
- b) Existing and proposed entrances and exits from the site, accident history, pavement and shoulder width, grades, sight distance, winter road conditions and traffic controls on roads in the vicinity of the project site.
- c) Description of current level of use of services such as weekday a.m. and p.m. and Saturday peak hour traffic flow, vehicle mix, source of existing traffic on the roads identified in E.1.a).

- d) Number of current school bus routes and bus stop locations on area roads in the vicinity of the project site.
 - e) Proposed improvements by the NYSDOT to the Route 6/Bear Mountain Parkway intersection and roads in the vicinity of the project site pursuant to the 202/35/6/BMP Sustainable Development Study.
2. Existing Public Transportation
- a) Description of the current availability of County bus service and the location of County bus stops in the vicinity of the project.
3. Existing Pedestrian Environment
- a) Identify the current level of pedestrian walking, jogging, bicycle riding in the vicinity of the project site and the capacity of area roads to accommodate pedestrians, sidewalks and bicyclists.
4. Potential Significant Adverse Impacts and Related Proposed Mitigation Measures:
- a) Potential impacts on traffic flow on the roads identified in E.1.a), including cumulative impacts from other proposed development within a 2 mile radius from site.
 - b) Impacts and mitigation on adjacent roads off-site and proposed driveways on-site including traffic circulation and driveways for the following:
 - 1) Traffic safety.
 - 2) Secondary road access.
 - 3) Grade (steepness).
 - 4) Sight distance.
 - 5) Impacts to pedestrian use of roads.
 - 6) Impacts by heavy construction and commercial vehicles on the road surface and traffic safety on roads.
 - 7) Impacts on road safety in terms of slow moving construction related vehicles for the project and lane closing for utility work.
 - 8) Based on the history of auto accidents potential impacts caused by an increase in traffic volume by the proposed project.
 - c) Impacts at the following intersections under build and no-build conditions including changes to current levels of service, weekday a.m. and p.m. and Saturday peak hour traffic flow, vehicle mix, daily traffic volume during the school year and construction related traffic and cumulative traffic from other proposed development within a 2 mile radius of the site.
 - 1) Proposed project site access on Jacobs Hill Road.
 - 2) Jacobs Hill Road, Parkway Drive and Route 6.
 - 3) Bear Mountain Parkway and Route 6.
 - 4) Conklin Avenue and Route 6.
 - d) Impacts on pedestrians, joggers and bicyclists caused by project related increased traffic volumes on area roads.
5. Proposed Additional Mitigation Measures: including but not limited to off-site road improvements and sidewalks and other pedestrian connections.

F. Land Use and Zoning

1. Existing land use and zoning:
 - a) Describe the existing land use of the surrounding area and proposed development applications pending before the Planning Board within 1/2 mile of the project boundary.
 - b) Describe the current use of the project site.
 - c) Describe the existing zoning of site and surrounding area and the dimensional regulations for the proposed project as required by the Town Zoning Code.
 - d) Show on the site plan the location of existing structures on adjacent property from existing sources.
2. Land Use Plans:
 - a) Describe the current Master Plan policies for the project site and surrounding area.
 - b) Discussion of future development trends or pressures.
 - c) Provide a list of specific types of retail, commercial and office uses for the proposed buildings.
 - d) Describe the Route 202/35/6/Bear Mountain Parkway Sustainable Development Study recommendations in the vicinity of the project site.
3. Potential Significant Adverse Impacts and Related Proposed Mitigation Measures.

G. Community Services

1. List existing facilities and describe existing levels of usage and projected future needs for the following:
 - a) Police protection and traffic enforcement;
 - b) Fire protection;
 - c) Hospitals and ambulance services;
 - d) Utilities (electric, telephone, and gas);
 - e) Public water supply;
 - f) Public sewer system; and
 - g) Solid waste disposal.
 - h) Indian Point Evacuation Plan
2. Potential Significant Adverse Impacts on the above listed Community Services.
 - a) Potential cumulative impacts.
3. Proposed Additional Mitigation Measures, if any.

H. Fiscal Analysis

1. Existing Conditions including but not limited to revenues and expenditures for:
 - a) Town of Cortlandt;
 - b) School District;
 - c) Water District;
 - d) Fire District;
 - e) Ambulance and Advanced Life Support Services;

- f) County Solid Waste District;
 - g) Sanitary Sewer District; and
 - h) other special districts.
2. Potential Significant Adverse Impacts (and related proposed mitigation measures) with and without the project on:
 - a) Town of Cortlandt;
 - b) School District;
 - c) Water District;
 - d) Fire District;
 - e) Ambulance and Advanced Life Support Services;
 - f) County Solid Waste District;
 - g) Sanitary Sewer District; and
 - h) other special districts.
 - i) Anticipated revenues and expenditures expressed in total and per capita form.
 - j) Analyze the following: property tax base, proposed project's assessed value and market value, and revenues from local taxes and expenditures as applicable for the Town of Cortlandt and for all of the above districts listed in 2b-h.
 - k) Potential impacts on existing housing values of nearby homes by the proposed project.
 - l) Potential cumulative impacts.
 3. Proposed Additional Mitigation Measures, if any.

I. Cultural Resources

1. Existing Visual Resources and proposed construction:
 - a) Description of the physical character of the community and views into the site.
 - b) Description of natural areas of significant scenic value.
 - c) Provide building elevation drawings of the proposed construction illustrating the proposed building design.
 - f) Provide plans of proposed landscaping, buffers and lighting.
2. Existing Historic and Archaeological Resources:
 - a) Location and description of historic areas or structures listed on State or National Register or designated by the community, or included on Statewide Inventory on nearby roads in the vicinity of the project site.
 - b) If required by the Planning Board or the NYS OPRHP, provide a Stage 1A archaeological survey of the site.
3. Potential Significant Adverse Impacts and Related Mitigation Measures:
 - a) Visual impacts by on-site lighting.
 - b) Potential visual impact of the proposed project's relationship to existing nearby properties, neighborhood character and to land forms, vegetation and other natural characteristics, including the loss of open space.
 - c) Potential archeological impacts depending on the findings of the Stage 1A archeological survey (if required by Planning Board or State NYS OPRHP).

4. Proposed Additional Mitigation Measures if any.

- V. ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED OR ADEQUATELY MITIGATED IF THE PROPOSED ACTION IS IMPLEMENTED (where applicable and significant) Including, but not limited to identifying and describing resources that will be made unavailable for future use.

- VI. ANY IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF ENVIRONMENTAL RESOURCES THAT WOULD BE ASSOCIATED WITH THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED (where applicable and significant)

- VII. ANY GROWTH INDUCING ASPECTS OF THE PROPOSED ACTION (where applicable and significant) Including but not limited to identifying and describing the potential growth-inducing aspects generated and any possible mitigation measures.

- VIII. ALTERNATIVES TO THE PROPOSED ACTION
To be described and evaluated at a level of detail sufficient to permit a meaningful comparative assessment with the Proposed Action
 - a) No Action.
 - c) Reduce the proposed floor area, building and parking lot coverage and steep slope disturbance for the proposed project and increase landscaped areas on the site.

- IX. REFERENCES

- X. ORGANIZATIONS AND PERSONS CONSULTED

- XI. APPENDICES
 - a) SEQR documentation, including a copy of the Short Environmental Assessment Form (EAF), Positive Declaration and DEIS Scope.
 - b) Copies of official correspondence related to issues discussed in the DEIS and on the scoping document including but not limited to correspondence from both the involved agencies and interested agencies.
 - c) Copies of supporting and revised technical studies in their entirety.
 - d) The proposed site development plans and building elevation drawings including any plans detailing mitigation measures. All plans should be appended in the DEIS.