

FILE COPY

**TOWN OF HAVERSTRAW**

**LEGAL NOTICE SCOPING SESSION FOR SEIS**

**PLEASE TAKE NOTICE THAT THE PLANNING BOARD OF THE TOWN OF HAVERSTRAW, AS LEAD AGENCY FOR THE PROJECT KNOWN AS MINISCEONGO PARK PASSED A RESOLUTION DATED SEPTEMBER 9, 2015 TO CONDUCT A PUBLIC SCOPING SESSION, PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT ("SEIS").**

**LOCATION : 1630 ROUTE 202 KNOWN AND DESIGNATED ON THE TOWN OF HAVERSTRAW TAX ASSESSMENT MAP AS TAX MAP 25.18, BLOCK 2, LOTS 3 AND 4.**

**THE PUBLIC SCOPING SESSION IS HEREBY SCHEDULED FOR WEDNESDAY, OCTOBER 14, 2015 AT 8:00PM TO RECEIVE ORAL AND WRITTEN INPUT ON THE PROPOSED SCOPE OF THE SEIS.**

**PLEASE BE ADVISED WRITTEN COMMENTS SHALL BE ACCEPTED UNTIL OCTOBER 26, 2015 AT 4:00PM BY DELIVERY TO THE SECRETARY TO THE PLANNING BOARD.**

**COPIES OF THE DRAFT SCOPING DOCUMENT MAY BE VIEWED AT THE PLANNING DEPARTMENT LOCATED IN THE BUILDING DEPARTMENT OFFICE AT THE TOWN OF HAVERSTRAW TOWN HALL, ONE ROSMAN ROAD, GARNERVILLE, NEW YORK.**

**DATED: SEPTEMBER 14, 2015**

State Environmental Quality Review Act (SEQR)  
**DRAFT SCOPING DOCUMENT**

Minisceongo Park  
Towns of Haverstraw and Ramapo, Rockland County, NY  
Supplemental Environmental Impact Statement (SEIS)

**SEQR CLASSIFICATION: TYPE I**

**LEAD AGENCY: Town of Haverstraw Planning Board**

**LIST OF INVOLVED/INTERESTED AGENCIES**

Involved Agencies

- Town of Haverstraw Planning Board
- Town of Haverstraw Town Board
- Town of Ramapo Planning Board
- Rockland County Sewer District #1
- Rockland County Department of Highways (Drainage Agency)
- Town of Haverstraw Sewer District #2
- New York State Department of Health
- Rockland County Health Department
- New York State Department of Environmental Conservation
- New York State Department of Transportation

Interested Agencies

- Rockland County Planning Department
- NYS Office of Parks, Recreation and Historic Preservation
- Palisades Interstate Park Commission
- East Ramapo Central School District
- United Water of New York
- Moleston Fire District
- Village of Pomona Board of Trustees

## INTRODUCTION

This Scoping Document is intended to serve as the foundation for the identification of all potentially significant adverse impacts pertinent to the proposed action and appropriate mitigation measures. It is also intended to eliminate consideration of any impacts that are irrelevant or non-significant with respect to the proposed action.

This Scoping Document is further intended to comply with the Decision and Order of the Supreme Court, Rockland County, dated October 15, 2014, in a proceeding entitled *Green Earth Farms Rockland, LLC, v. Town of Haverstraw Planning Board, et als.* (Rockland County Index No. 2465/2012), as the first step toward the preparation of a Supplemental Environmental Impact Statement, as ordered by the Court in the third decretal paragraph of that Decision and Order.

A DEIS was prepared by the applicant, and accepted as complete on November 8, 2006. The DEIS analyzed the impacts associated with a development consisting of 279 multifamily and one-family attached (i.e., townhome) dwellings. Of the total dwelling units, 115 dwellings were to be located in Ramapo and 164 units were to be located in Haverstraw. The applicant proposed to construct townhomes only in Haverstraw. In Ramapo, the applicant proposed the construction of a mix of 96-multifamily dwellings and 19 townhome dwellings.

The project sponsor also proposed two commercial building sites with frontage on Route 202 in the Town of Ramapo. The easterly building totaled 7,000 square feet with ancillary parking. The westerly building totaled 4,200 square feet with ancillary parking. The two buildings would obtain access from the internal boulevard road, not Route 202.

In order to implement the project in the Town of Haverstraw, a zone petition was submitted to rezone the site from the "C" to "RG" zoning district.

The DEIS was reviewed by the Towns of Ramapo and Haverstraw, its consultants, and various local, county, state and regional agencies. Based on the comments received, the project sponsor prepared and submitted a Final Environmental Impact Statement to the Lead Agency on December 14, 2007.

Following the submission of the FEIS, the project sponsor, in consultation with the Town of Ramapo and Haverstraw, abandoned the requested zone amendment, and sought to develop the site with uses allowed as per the Towns' existing zoning. The Town of Haverstraw Planning Board, as lead agency, determined that a Supplemental Environmental Impact Statement (SEIS) was to be prepared.

In accordance with the regulations implementing SEQRA, the SEIS was submitted by the applicant in December 2008, and was subsequently reviewed by the lead agency and its consultants. The SEIS set forth the parameters of the revised application for a large commercial development in Haverstraw (eliminating the rezoning request for residential uses), updated pertinent information (largely connected with stormwater management and traffic impacts), and reassessed the impacts associated with the project.

The lead agency accepted the SEIS as complete on February 11, 2009 and subsequently filed and circulated the SEIS with a Notice of Completion and Notice of Public Hearing. A Public Hearing

was held on March 4, 2009. Public comments on the SEIS were received following a requisite comment period.

A Final SEIS was submitted to the lead agency for review and revision. The lead agency accepted the SFEIS as complete on December 2, 2009, and subsequently filed and circulated the document. A Findings Statement was adopted by the lead agency on December 16, 2009. The Site Plan which formed the basis for the approved Findings Statement is referred to herein as the “2009 Plan”.

In connection with the Site Plan application and Variances application, the applicant submitted modified Site Plan drawings and supporting narrative documents in January and February, 2012 (referred to herein as the “2012 Plan”). The primary difference between the 2012 Plan and the 2009 Plan was a proposed 7,000 square foot convenience store/gasoline station instead of a 1,500 square foot deli/coffee shop.

Pursuant to General Municipal Law Section 239-m, the application for final site plan approval was circulated to appropriate agencies for review and comment and public hearings were held in the summer and fall of 2012. On November 28, 2012, the Haverstraw Planning Board granted Final Site Plan approval for the 2012 Plan.

The November 28, 2012 Resolution for Final Site Plan approval was challenged in an Article 78 proceeding entitled, *Green Earth Farms Rockland, LLC. v. Town of Haverstraw Planning Board*. A Judgment in that proceeding, dated October 15, 2014, ordered the Town of Haverstraw Planning Board to require a supplemental environmental impact statement (SEIS) and revised Findings Statement for certain modifications to the Site Plan that have been proposed after the Findings Statement was approved in December 2009. Specifically, the Court found that the Planning Board, as lead agency, had insufficiently studied the impact of that portion of the action that changed a 1,500 square foot deli/café to a 7,000 square foot convenience store with gasoline and diesel fuel pumps.<sup>1</sup> The Court remitted the matter to the Haverstraw Planning Board, directing that Board to “require a supplemental environmental impact statement [“SEIS”] and issue a revised Findings Statement” in accordance with its Decision. This Scoping Document is prepared to begin the process of preparing the SEIS as directed by the October 2014 Judgment.

## DESCRIPTION OF THE PROPOSED ACTION

The applicant, Mt. Ivy Partners, LLC, proposes the development of a mixed-use residential and commercial project on a 53.3 acre project site located north of NYS Route 202 and west of the Palisades Interstate Parkway in the unincorporated Towns of Haverstraw and Ramapo, Rockland County, New York.

Development in the Town of Haverstraw would include a shopping center with up to 235,000 square feet of retail space. The retail space would consist of a 150,000 square foot retail anchor tenant and three smaller stores of 30,000, 30,000 and 25,000 square feet.

Development in the Town of Ramapo would include four (4) retail pads and 200 units of multi-family housing, consistent with the Mixed Use Highway “MU-2” zoning district. The residential development would be constructed in Phase II of the project and is not part of this site plan

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<sup>1</sup> The Court expressly found that the environmental review of the project as of the December 16, 2009, Findings Statement of the Haverstraw Planning Board as lead agency was legally sufficient. October 2014 Judgment, pg. 17.

application. The four retail pads would include: Pad C, a 7,000 sf convenience food store with gasoline and diesel fuel pumps, Pad D, a 4,000 sf bank with a drive-through, Pad E, a 5,200 sf, 111 seat family restaurant, and Pad F a 9,000 sf retail space that will be divided into smaller retail spaces based on tenant needs.

The portion of the project within the Town of Haverstraw is zoned Commercial, "C". The project required and received subdivision and site plan approval for the property located in the Town of Haverstraw. The portion of the project in the Town of Ramapo required and received subdivision and site plan approval in accordance with the Mixed Use Highway, "MU-2" zoning district.<sup>2</sup> The subject property is comprised of the following tax lots:

- Town of Haverstraw: Section 25.18, Block 2, Lots 3 and 4
- Town of Ramapo: Section 33.06, Block 1, Lots 1 and 2

The previously submitted DEIS, SDEIS, SFEIS, and Findings Statements previously made in connection with this project are incorporated into this review process by reference.

The Site Plan drawings which were approved by the Ramapo and Haverstraw Planning Boards in 2012, and which have been subsequently updated to show compliance with various conditions of the site plan approvals granted by those Boards, are the plans which will form the basis of the evaluation to be conducted in the SEIS. Those drawings are entitled "Proposed Minisceongo Park, Town of Ramapo, Town of Haverstraw, Rockland County, New York, prepared by Atzl, Nasher & Zigler, P.C. (last revised June 27, 2014), and will be referred to as the "2012 Site Plan".

The action to be reviewed in this Scoping Document, and in the SEIS that will result from this Scoping Document, is the construction of a 7,000 square foot convenience store with gasoline and diesel fuel sales for motor vehicles in the context of the previously approved mixed use project having 235,000 square feet of retail space in the Town of Haverstraw, and 25,200 square feet of retail and commercial space and 200 units of housing in the Town of Ramapo, all as shown on the 2012 Site Plan.

## POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS

The proposed action may have potential environmental impacts on:

- *Geology, Soils and Topography*
- *Surface Water Resources*
- *Ecology and Wetlands*
- *Transportation*

## GENERAL SCOPING CONSIDERATIONS

Full scale plans will accompany the SEIS as an appendix and reduced copies of pertinent plan sheets will be included in the text of the SEIS. The documents shall contain, as attachments, plans,

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<sup>2</sup> As part of the October 2014 Judgment, the December 16, 2012, site plan approval previously granted by the Town of Haverstraw Planning Board was vacated and set aside. However, the subdivision approval granted by the Haverstraw Planning Board and the site plan and subdivision approvals granted by the Town of Ramapo Planning Board were not directly affected.

reports, and studies meeting prevailing Federal, State and Town criteria with respect to all disciplines of study as well as applicable site plan and subdivision criteria.

## **SEIS Contents**

Cover Sheet listing preparers, title of project, SEIS 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.

### **I. EXECUTIVE SUMMARY**

The Executive Summary will include a brief description of the proposed action and a listing of all 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 SEIS.

### **II. DESCRIPTION OF THE PROPOSED ACTION**

This chapter of the SEIS will describe the project site and its location, the proposed project, the public need and objectives of the project sponsor, and list 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 Towns of Haverstraw and Ramapo, including tax identification numbers and list of abutting properties.
2. Brief description of the environmental setting of the site, its historic use, and the natural resources identified thereon and in the adjoining area.
3. Identification of any easements, rights-of-way, restrictions, special district boundaries or other legal devices affecting the subject properties' development potential.
4. Description of the existing infrastructure serving the project site and/or its immediate environs, including existing site access and road network.

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

1. Written and detailed description of the proposed action, including proposed use, consistency with zoning, design, layout, phasing and construction schedule.
2. Identify zoning and describe existing land uses for the project site and adjoining properties.
3. Discuss compliance with all Zoning and Site Plan/Subdivision Approval standards and other criteria set forth in the Town of Haverstraw and Ramapo codes. The SEIS will indicate 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.
4. Discuss the differences between the currently proposed action and the Site Plan which formed the basis for Findings approved in 2009. The discussion will provide a summary of changes to the Site Plan, including a summary table. Potential impacts of those changes will be described in Section III of the document.

5. Identify additional permits needed for the operation of a gasoline and diesel fuel filling station for motor vehicles in this location, including, but not limited to, permits for petroleum bulk storage and for operation and any wetlands permits.

**C. Project Purpose and Need**

1. Discuss the purpose or objective of the project sponsor.
2. Identify the public need for the proposed action, including consideration of consistency with adopted policies and/or plans as set forth within adopted local and regional community land use and development plans.

**D. Approvals, Reviews and Permits**

1. List and describe all required approvals, reviews, and permits, by agency, to implement the proposed action.
2. List all Involved and Interested Agencies for SEIS distribution.

**III. ENVIRONMENTAL SETTING, IMPACTS, MITIGATION**

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. Geology, Soils and Topography**

1. Summarize the Existing Conditions findings of the 2008 SEIS regarding geology, soils and topography, any changes that have occurred on-site and any changes in applicable regulations since then .
2. Describe potential impacts resulting from changes to the proposed project (between 2009 Plan and Current Plan).
3. Describe mitigation measures to be implemented including soil erosion and sediment control measures developed in accordance with Chapter 140 of the Town of Haverstraw Code, New York State Standards and Specifications for Erosion and Sediment Control, as amended, and the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) for Discharges from Construction Activity, General Permit GP-0-15-002 (General Permit).
4. Describe the potential impacts to geology and soils from the proposed gasoline filling station. Discuss federal, NY State and Rockland County requirements for petroleum bulk storage facilities.
5. Describe mitigation measures.

**B. Surface Water Resources**

1. Summarize the Existing Conditions findings of the 2008 SEIS regarding Surface Water Resources. and any changes that have occurred on the site or in applicable regulations since then.

2. Discuss the revised stormwater management plan for the project. All proposed mitigation measures and procedures will be selected in accordance with the current NYSDEC Stormwater Management Design Manual (DEC Design Manual) Standards. Zero net increase in runoff will be provided and compliance with Phase II Stormwater regulations will be demonstrated.
3. Describe the potential impacts to surface water resources from the proposed gasoline filling station. Discuss federal, NY State and Rockland County requirements for petroleum bulk storage facilities.
4. Describe mitigation measures.

### **C. Ecology and Wetlands**

1. Summarize the Existing Conditions findings of the 2008 SEIS regarding Ecology and Wetlands and any changes that have occurred on the site or in applicable regulations since then.
2. Describe potential impacts resulting from changes to the proposed project. Calculate the area of wetland disturbance, as applicable.
3. Describe the potential impacts to ecology and wetlands from the proposed gasoline filling station. Discuss federal, NY State and Rockland County requirements for petroleum bulk storage facilities.
3. Describe mitigation measures.
4. Identify the status of agency regulatory reviews.

### **D. Transportation**

1. The 2008 Traffic Study will be described and updated to reflect current conditions and any changes that have occurred to applicable regulations and local roads or to “No-Build” projects identified in the 2008 SEIS. The traffic study will:
  - Establish existing conditions based on traffic volume data at select locations no more than 2 years old.
  - An updated list of other area developments will be provided by the Town and traffic from these developments will be compared to projects identified in the 2008 SEIS.
  - A new “Build” year is to be established based on a reasonable timetable for the type and size of the new project.
  - Based upon any changes identified, evaluate intersections where level of service may be impacted by changes in volume that have occurred since the last traffic study
  - Trip generation will be based in ITE sources and supplemented as needed.
2. Transportation Mitigation agreed upon in the 2009 Findings Statement will be described including: recommendations for roadway and intersection improvements, traffic controls, signal modification, timing revision, future monitoring and pedestrian improvements, and any changes since 2009 will be noted.

### **E. Summary of Issues Addressed in 2008 SEIS**

1. Issues and categories which were analyzed in the 2008 SEIS, but were not directly subject to impacts from the 2012 modifications to the Site Plan will be discussed:

- Land Use and Zoning
- Historic and Archeological Resources
- Community Facilities and Services
- Fiscal Analysis
- Noise and Air Resources

Visual Resources The conclusions of the 2008 SEIS and Findings for these categories will be described and summarized.

#### **F. Construction-Related Impacts**

This section will summarize the proposed construction activities related to building and infrastructure development as affected by the change in the action. Reference will be made to other sections of the DEIS and SEIS that also address impacts associated within construction activities. Short- and long-term impacts to be assessed include: construction-related traffic, including truck traffic associated with fill activities; noise and air quality impacts; the potential for soil erosion and sedimentation; and, long-term settlement issues. The site has been used as a staging area for improvements being constructed at the Palisades Interstate Parkway interchange. The SEIS will discuss the use of the site for the NYSDOT work and current conditions at the site.

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

This section of the SEIS will identify impacts that are likely to occur despite mitigation measures, and will compare the beneficial and adverse implications of these unavoidable impacts.

#### **V. ALTERNATIVES**

This section of the SEIS will evaluate and compare alternatives to the proposed action, which are listed below. The evaluation and comparison will include a conceptual site plan and a tabular comparison of quantified impacts, including trip generation comparisons with the proposed action. The following alternatives will be studied:

- A. The "No Action" Alternative as required under 6 NYCRR 617.9.b.5.
- B. The 2009 SFEIS plan. This alternative will summarize the impacts associated with the project that was the subject of the SFEIS.

#### **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**

Potential growth-inducing aspects, including short and long term, generated by the project will be described.

## 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.

## XI. APPENDICES

The appendices will include a list of all underlying studies and reports relied upon in preparing the SEIS, technical exhibits and studies 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. These include but are not limited to:

1. SEQRA Documentation
2. Correspondence
3. Updated Stormwater Management Report
4. Updated Traffic Studies