

Komarek Subdivision

**Final Scope for
Draft Environmental Impact
Statement**



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Planning Board
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1.0 INTRODUCTION

This document defines the scope of information to be included in the Draft Environmental Impact Statement ("DEIS") to be prepared in accordance with the State Environmental Quality Review Act ("SEQRA") Environmental Conservation Law ECL § 8-0101 et seq.; 6 NYCRR Part 617 for the proposed Komarek Subdivision in Middlesex, New York. The project is to be reviewed in accordance with the regulations of the New York State Environmental Review Act by the Planning Board of the Town of Middlesex, Yates County, New York. This Final Scope is intended to define the extent of potential significant adverse environmental impacts to be addressed in the DEIS pursuant to SEQRA requirements.

1.1 PROJECT DESCRIPTION

It is the intent of Mr. Komarek to subdivide his existing property into four (4) residential lots with a private road. The proposed lots range in approximate size from 1.9 acres to 2.6 acres. The existing site is located on the west side of East Lake Road (tax map #2.03-1-2.1) between the road and Canandaigua Lake. The parcel is approximately 8.5 acres, zoned Lake Residential (LR), has approximately 870 feet of frontage on Canandaigua Lake, and is accessed from East Lake Road. Prior to the owner's purchase of the property in 2007, the site was part of a vineyard along the east side of Canandaigua Lake. The site also contains an existing access easement granting perpetual access to Canandaigua Lake for three parcels located on the east side of East Lake Road (tax map # 2.03-1-21, 2.03-1-22, & 2.03-1-23). The application includes four houses, four garages, four absorption fields, four wells, multiple retaining walls, three additional trams and a private road.

1.2 SEQRA PROCESS

Prior to acceptance of this DEIS Scope, the Planning Board voted (i) to act as Lead Agency, and (ii) to declare that the project may have the potential for a significant environmental impact and, that as such, (through a Positive Declaration) a Draft Environmental Impact Statement (DEIS) must be prepared.

Additional steps in the SEQRA process are anticipated to include the following:

- Preparation of a DEIS by the project sponsor;
- Acceptance of the DEIS as "Complete" by the Lead Agency, accompanied by the Lead Agency (i) filing of a notice of completion, (ii) filing a notice of public hearing, and (iii) setting a comment period;
- Conducting a public hearing on the DEIS (must be held at least 14 days after the public notice is published);

- Completing a comment period of a minimum of 30 days (which may include time before and after the date of the public hearing);
- Preparing a Final EIS ("FEIS) that address substantive/relevant comments;
- Issuance of the FEIS by the Lead Agency, accompanied by the Lead Agency filing a notice of completion of FEIS;
- Completing a minimum 10-day public consideration period;
- Issuance of Findings Statement by the Lead Agency (after which the Lead Agency may finalize its decision on the permit application before it); and
- Issuance of Findings Statements by other involved agencies (after which the other involved agencies may finalize the decisions on any applications before their respective agencies).

1.3 COVER SHEET

The Cover Sheet shall contain all information required under SEQRA, Part 617.9(b)(3)(i)-(vii).

1.4 TABLE OF CONTENTS

This section will identify all relevant sections of the DEIS and shall indicate page numbers. Appendices shall also be referenced.

1.5 EXECUTIVE SUMMARY

The Summary section of the DEIS shall contain:

- A brief description of the proposal;
- Significant beneficial and adverse impacts;
- Mitigation measures proposed;
- Alternatives considered; and
- Regulatory requirements.

1.6 DEIS CONTENT

The DEIS will be prepared to meet the content and format requirements outlined in 6 NYCRR §617.9. The remainder of this document is a listing of the sections to be included in the DEIS and the items to be included in each section.

2.0 DEIS SCOPE

2.1 DESCRIPTION OF THE PROPOSED ACTION

2.1.1 Project Purpose, Need and Benefits

This section shall identify the background of the proposal and project, including objectives of the project sponsor, and discussion of potential social, economic (including tax revenues and cost to the Town and school district) and other benefits related to the proposal/project.

This section shall include a discussion of the conformance of the proposal with the Town Master Plan.

2.1.2 General Description

This DEIS section will describe:

- Topography, soil and bedrock, existing land uses, boundaries, aerial photos and maps of the Project Area.
- Total area to be physically impacted by the project, both permanently and temporarily during project construction.
- The geographic location of the project area, using location map(s) of suitable scale and identifying known landmarks such as street names, adjacent buildings, and other facilities, etc.
- Existing and proposed zoning and development of the site and the adjacent parcels
- Existing and proposed access, including private roads, private driveways, stairs, and trams and their associated construction execution plans.
- A general discussion of conformance of the project with all requirements of the Town's Zoning Code, including the requirement of Local Law No. 1 of 2011 that a private road may be allowed in Lake Residential (LR) districts only if it is shown to have the least negative environmental impact when considering all development alternatives.
- A general discussion of conformance of the project with the Town's Master Plan.

2.1.3 Project Design and Construction

This section shall include the following:

1. Description of zoning and planning process and required approvals;
2. Total site area and individual tax parcel identification;

3. Approximate proposed impervious area and ratio of green space versus impervious area of the total parcel. Total amount of land to be disturbed;
4. Approximate building area as well as a description of the height, square footage, number of floors, etc.;
5. Discussion of existing and proposed vehicular access routes;
6. Discussion of existing and proposed stairways, trams, and access easements;
7. Discussion of provision for future docks;
8. Total parking requirements and layout;
9. Summary of existing and proposed drainage improvements, septic systems and water supply;
10. Proposed and existing buffers and areas to be preserved;
11. Stormwater Pollution Prevention Plan, including requirements for inspections
12. Description and location of any State or federal wetlands based on field delineation by a qualified wetland delineator;
13. A subdivision plan showing location and dimensions of proposed parcels; houses, garages, wells, absorption fields and utilities; pre- and post-construction grading; temporary and permanent erosion control and stormwater practices; driveways, private roads, stairways, and trams; absorption fields; temporary soil stockpile areas; proposed new culverts and bridges or improvements to culverts and bridges; and all details required by Town, County, and State code. Alternative plans for any private roads shall be provided in accordance with Local Law No. 1 of 2011; and
14. A construction execution plan for the general site improvements.

2.1.4 Required Permits, Approval Requirements, and SEQRA Chronology

This DEIS section will list all known and anticipated permits and approvals required from Federal, State and local authorities, to construct and operate the project, including a description of the approval being sought, the current status of the application and, if applicable, the expected dates of permit acquisition and expiration.

2.2 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

2.2.1 Land Use and Zoning

This section shall identify the existing land uses and current zoning on the site and surrounding parcels. This section shall also summarize land use recommendations for the project site as contained in the Town Master Plan and all other local and regional planning documents.

Impacts

This section shall include an analysis of the potential impact to land uses and development patterns on the surrounding lands. Topics addressed shall include development density,

considering requirements for buildings, accessible roads, wells, absorption fields, trams, stairways, and stormwater control practices and shall take into account design constraints imposed by the existing slopes and soil types.

This section shall discuss conformance of the project with the requirements of Local Law No. 1 of 2011 pertaining to construction of a private road in Lake Residential (LR) districts including:

- Development of two sets of preliminary site plans (with and without the proposed private road); and
- Approval of the private road only if it is determined that it will result in the least negative impact on the environment when considering all development alternatives.

Permitting requirements for construction of trams shall be summarized, and a description of project compliance with these requirements shall be provided.

This section will also include a discussion of the potential impact of this approval of this project as a precedent for future projects, particularly with reference to the proposed density of development in and near steep slope areas.

Consistency of the proposed project shall be demonstrated with the Town Master Plan, as well as with all other state and local planning documents.

Mitigation

Mitigation measures to address identified impacts shall be evaluated.

2.2.2 Geology, Soils and Topography

This section shall include a detailed description of the existing site conditions including generalized subsurface geology, surface topography, seasonal high groundwater depth, depth to bedrock, and surface soils. Maps shall be included showing surface topographic contours and soils mapping (list of soil types, soil classification, soil groups per USDA Monroe County Soil Survey).

The DEIS shall include the results of a subsurface exploration program and a geotechnical report, as follows:

Subsurface Exploration Program

The subsurface exploration program shall consist of the following:

1. A minimum of five test borings shall be drilled at each house lot, except that at the lot with an existing tram the minimum shall be four. The borings shall be located to evaluate the conditions below the proposed houses, garages, retaining walls, and tramp pad;

2. The borings should be drilled to a minimum depth of 20 feet below the ground surface and shall be terminated in suitable bearing material;
3. A geologist or geotechnical engineer shall be present to observe the drilling process and to describe the soil, bedrock and groundwater conditions;
4. A minimum of one groundwater observation well should be installed at each lot; and
5. Representative soil samples should be submitted for laboratory testing. Laboratory testing is expected to consist of grain size distribution analyses and Atterberg limits. Unconfined compressive strength of testing of the bedrock should also be considered.
6. The subsurface evaluation shall be conducted in a manner that will minimize impacts to soil and vegetation onsite, including:
 - a. Use the existing access from East Lake Road to reach the boring locations to the extent possible;
 - b. Limit the tree cutting as much as possible;
 - c. Limit any cutting into the slope;
 - d. Limit any disturbance that would cause erosion.

Geotechnical Engineering Report

A geotechnical engineering report shall be prepared for the site. The report shall include the following:

1. Bearing capacity of the soil and rock encountered at the Site for the proposed structures and retaining walls. A reduction for the sloping ground surface should be applied as applicable;
2. Estimate for settlement;
3. Significant amount of bedrock removal is anticipated. The report should provide recommended techniques for excavation and/or blasting;
4. Recommendations for lateral earth pressures for the retaining walls;
5. Recommendations for perimeter drains around the building foundations;
6. Recommendations for drains behind retaining walls;
7. Recommendations for the gradation requirements of fill materials;

8. Recommendations for gravel or pavement surface of the proposed access roadways and parking areas;
9. Recommendations for fill compaction requirements such as in-place density and moisture content;
10. Slope stability analyses should be conducted for structures, retaining walls, roadway cuts and absorption fields. The stability analysis shall take into account the soil and bedrock conditions, as well as groundwater levels;
11. Structural and global slope stability analyses for the downhill retaining wall;
12. The surficial stability of areas cleared of trees shall be evaluated. Due to the steep slopes these areas may slough after removal of the trees; and

The field geotechnical engineer/geologist shall observe and record observations of the surficial geological conditions and note any surficial areas of instability. Field notes shall be included as an Appendix to the report.

Impacts

The suitability of the site soils and subsurface conditions to support the planned use, including structural support, utility installation and stormwater quality and quantity practices, shall be evaluated. Cut and fill requirements shall be identified.

Mitigation

This section will discuss measures to ensure the stability of the site and all proposed structures including buildings, absorption fields, retaining walls, roads, driveways, ramps, stairways, wells, docks, and utilities, taking into account the recommendations of the geotechnical report.

Additional mitigation measures to be discussed include:

- Alternatives to the proposed private road
- Limiting the square footage of the houses
- Elimination of garages
- Construction sequencing to stabilize each lot prior to commencing construction on the next lot
- Increased setback from the steep slope to the lake.

This section will also discuss required certification or stamping of designs by design professionals and requirements for review and approval by the Town, County, and State. Discussion of project conformance to the requirements of the Ontario County Soil and Water Conservation District (OCSWCD) Canandaigua Watershed Inspection Program shall be provided.

2.2.3 Surface Water

A description of the stormwater drainage patterns, existing drainage channels and steep slopes shall be outlined in this section. This will include an identification and size of the watershed area draining through the site, and a description of ultimate disposition of the surface water from the site. All discharge points and downstream receiving waters shall be identified. This section shall identify historical drainage issues within and downstream of the project area.

Impacts

A detailed stormwater management report shall be included as an Appendix to the DEIS. The scope of the report shall include but is not limited to the following: Projections shall be made of stormwater peak rates and total volumes exiting the site from all discharge points under existing conditions for the 1, 2, 10, 25, and 100 year, 24-hour storm events. This shall be broken down so that the contribution of site areas and upstream areas can be identified separately. The report shall discuss the potential for soil erosion and runoff offsite and to Canandaigua Lake. The plan shall address all proposed structures, including buildings, garages, trams, stairways, private roads, driveways, utilities, absorption fields, and wells. An evaluation of locations suitable for future docks and the impact of dock construction on erosion and surface water quality shall be included.

The stormwater management calculations must demonstrate that with implementation of the stormwater management plan, no increase will occur in the rate of stormwater flow discharged from the developed site for storm events up to those with a 100-year return period.

Green infrastructure practices acceptable for runoff reduction as described in the latest NYS Stormwater Management Design Manual shall be evaluated. A list of the green infrastructure improvements shall be provided. Additionally, the location of the green infrastructure practices must be schematically shown on the plans.

The water quantity calculations must demonstrate that by applying the expected removal rates of the proposed stormwater management practices, the ultimate stormwater pollutants generated by the proposed project will be minimized.

The report shall describe location, design, and condition of culverts at locations where the private road crosses gullies and culverts underneath East Lake Road in the vicinity of the proposed subdivision.

Mitigation

The discharge of stormwater will be outlined in the Stormwater Pollution Prevention Plan (SWPPP) and measures taken to address water quantity and quality impacts from these discharge areas will be described and mitigated as needed. Appropriate stormwater management practices shall be identified with their locations and dimensions shown on the project plans along with proposed details. Inspection requirements during and after construction shall be described.

Protection of water quality in flows through road culverts shall be addressed.

This section shall also include a detailed discussion of soil erosion control measures which will be taken to avoid discharge of sediment offsite and to downstream receiving waters during and after construction.

The project shall consider parking facilities that will reduce the impervious area generated by the project such as permeable pavements.

These measures shall be in compliance with current Federal, State and local stormwater and erosion control guidelines. Discussion of project conformance to the requirements of the Ontario County Soil and Water Conservation District (OCSWCD) Canandaigua Watershed Inspection Program shall be provided.

2.2.4 Terrestrial and Aquatic Ecology

This section shall locate all NYSDEC wetlands (if any) and identify the potential for Federally regulated wetlands on and adjacent to the site which may be affected by the proposed project. The primary and secondary benefits derived from the functions of these wetlands shall be generally described. Wetland delineation mapping and associated reports shall be included as exhibits and attachments. Habitat species and movement corridors shall be based on field observations and documented.

Areas subject to Article 15 and Article 404, such as bed and bank of steep gullies, shall be identified.

This section will identify vegetation (including shrubs, screening and other habitat growth) and habitat on the site, as well as identify amphibians, reptiles, mammals and birds, which are likely to be present on or near the site.

A Natural Resource Inventory and Plan (NRIP) for all areas of the project shall be provided in conformance with the requirements of the Town Land Subdivision Regulations, Article 4, Section 4.8(C). The NRIP shall include all required information, including identification of trees with diameter 8" or more as measured three feet above the base of the trunk and other potential old growth trees. The NRIP shall also identify prior uses of the property, including agricultural uses which may have resulted in residual pesticides or herbicides in soil or groundwater on the site.

The NYSDEC Natural Heritage Program Office will be contacted to obtain records of reported rare, threatened, or endangered species on or near the project site and any identified will be noted.

Impacts

A quantification of the loss of trees, vegetative cover types (including shrubs, screening and other habitat growth) and associated wildlife habitats, including protected, threatened, endangered, or special concern species shall be provided. Impacts to wetlands or to areas regulated under Article 15 or Article 404 shall be identified. Impacts due to prior herbicide or pesticide use, if any, shall be quantified.

Mitigation

This section will discuss mitigation measures, including:

1. Procurement of permits for disturbance to regulated wetlands or areas.
2. Methods to limit clearing and soil disturbance during construction of all structures
3. Procurement of Planning Board approval for the site tree removal plan
4. Procurement of required permit(s) for work within the bed and banks of gullies onsite, including work required for stormwater management.
5. Measures to address residual herbicide or pesticide impacts, if any.

2.2.5 Site Access

This section shall describe and evaluate existing and proposed site access from East Lake Road, including at least two alternatives, in accordance with Town requirements for a private road in the LR district. This section shall also describe and evaluate individual lot access to Canandaigua Lake via the proposed trams and/or stairways. Individual access methods must lie totally within the property lines and required setbacks of each individual lot, and sufficient detail provided in plan and profile to demonstrate that the proposed method is feasible.

Impacts

Impacts shall be evaluated based on year-round occupancy.

The private road evaluation shall address:

- Accessibility for fire and EMS response for both the private road and individual access scenarios. Review and comment by the Town Fire Department and EMS services shall be included

- Year-round accessibility for residents, including anticipated requirements for maintenance for each scenarios
- Accessibility during construction, including anticipated requirements for maintenance for each scenario
- Safety related to slopes at the intersection with East Lake Road, on the private road, and on the individual house driveways.
- Conformance of each alternative with Town requirements

The evaluation of the tram systems shall include:

- Plan view showing location of the tram, and approximate locations of support columns and platforms
- Profile view showing existing and proposed grades; slope of the tram track; and approximate locations of support columns and platforms

The evaluation of stairways shall include:

- Plan view showing location of the stairway
- Profile view showing existing and proposed grades; rise and run of the stairway

Mitigation

Mitigation measures to be evaluated shall include:

1. Re-alignment of the private road to reduce slope angle
2. Re-alignment of the private road to increase the turning radius at the curve
3. Elimination of garages, or moving garages closer to the private road.
4. Safety features for trams and stairways
5. Alternative access for fire and EMS response teams.

2.2.7 Construction Impacts

This section shall describe the construction sequence and shall identify required equipment and time frames.

Impacts

Noise, traffic, security, and dust will be described. (Note: impacts related to access, erosion control, and stormwater management during construction shall be addressed in the relevant sections of the DEIS).

Mitigation

Mitigation measures to address identified impacts shall be described, including:

1. Limiting construction work hours.
2. Proper maintenance and noise control (mufflers, calibration of alarms) for construction equipment
3. Dust control
4. Traffic flaggers
5. Security measures

2.2.8 Visual Resources

This section shall present and describe the existing views of the site from Canandaigua Lake 500 feet offshore and directly west of the proposed subdivision and from East Lake Road directly east of the proposed subdivision.

Impacts

This section shall present through renderings, cross sectional profiles or computer-modified photographs, the visual appearance of the site after development from Canandaigua Lake and from East Lake Road directly east of the proposed subdivision. Information shall be provided that will show the change in grade elevation from the existing to the proposed and how the change will impact sightlines and viewsheds.

Mitigation

Mitigation measures to enhance the project through architectural design and landscaping shall be provided.

2.3 UNAVOIDABLE SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS

This section shall identify those adverse environmental effects in Section V that can reasonably be expected to occur.

2.4 ALTERNATIVES

The following alternatives shall be identified and assessed at a level of detail sufficient to permit a comparative assessment of costs, benefits and environmental impact for each alternative:

1. No action alternative (no development)
2. No subdivision (development as one lot)
3. Subdivision into less than four parcels
4. Placement of houses in alternative locations
5. Use of alternative foundation designs
6. Alternatives to the proposed private road

2.5 APPENDICES

This shall include all supporting maps, reports, documents, exhibits and correspondence. At a minimum, the following shall be provided:

- Subdivision plans;
- SEQRA notices and documentation;
- Excerpts of Town Master Plan applicable to project site;
- Geotechnical report;
- Engineers Report (utilities analyses);
- SWPPP Report;
- Tree Inventory and species survey
- Tree removal plan