

# **New York State Environmental Quality Review Act (SEQR)**

## **DRAFT SCOPING DOCUMENT**

For a Draft Environmental Impact Statement (DEIS)

**HUDSON RIVER VALLEY RESORT**  
Town of Rosendale, Ulster County, NY

DRAFT – September 17, 2008

**SEQR CLASSIFICATION:**                      **TYPE 1**

**LEAD AGENCY:**        New York State Department of Environmental Conservation (NYSDEC)  
Region 3  
21 South Putt Corners Road  
New Paltz, NY 12561-1696

### **LIST OF INVOLVED AGENCIES**

- Town of Rosendale Planning Board
- Town of Rosendale Town Board
- Ulster County Public Health Department
- Ulster County Planning Department
- Ulster County Department of Highways & Bridges
- New York State Department of Environmental Conservation

### **LIST OF INTERESTED AGENCIES**

- NYS Office of Parks, Recreation and Historic Preservation
- U.S. Army Corps of Engineers
- U.S. Fish & Wildlife Service
- Town of Rosendale Highway Department
- Town of Rosendale Environmental Commission
- Ulster County Area Transit

### **Introduction**

This Scoping Document is adopted by the New York Department of Environmental Conservation (hereinafter “DEC”), as Lead Agency for the SEQR review of the proposed Hudson River Valley Resort. This document is intended to serve as the foundation for the identification and evaluation of all potentially significant adverse impacts that are pertinent to the proposed action, and to identify appropriate mitigation measures. It is also intended to eliminate consideration of any impacts that are irrelevant or non-significant.

## **Description of the Proposed Action**

The applicant, Hudson River Valley Resorts, LLC, proposes to develop a resort community to be located on land totaling approximately 779 acres in the Town of Rosendale, Ulster County, New York. The property is located generally west of the New York State Thruway and north of County Route 26 (Breezy Hill Road) and is part of the former Rosendale Cement Company site and the location of the former Williams Lake Hotel resort. It has frontage on County Route 7 (Binnewater Road), County Route 26, and Hickory Bush Road. The development plan proposes construction of up to 160 for sale residential units, including a mix of single family residences and townhouses, lodging facilities, and spa facility with related amenities. The proposed lodging facilities include a 94-room lodge, 22 lakefront suites, and 14 villas for stand alone cabins. A new wastewater treatment plant and water supply system will be constructed to serve the site. The development will affect approximately 50 acres contained within an area of approximately 300-325 acres located in the southern portion of the site. The northern portion of the property, which is approximately 400 acres, is located within a conservation easement and will remain undeveloped. The subject property comprises the following four tax lots (Section – Block – Lot): 62.4-1-9.100, 62.4-1-13.100, 62.4-2-39, 62.4-1-13.100.

## **General Scoping Considerations**

The applicant will prepare a site-specific, project-specific Draft Environmental Impact Statement (DEIS) addressing all items identified in this Scoping Document. The applicant will incorporate information from other developments underway or proposed in the local area and include, where appropriate, discussions on cumulative adverse impacts.

The applicant will follow the SEQR regulations (6NYCRR 617) for direction on the required content of a DEIS. The DEIS will assemble relevant and material facts and evaluate reasonable alternatives. It will be clearly and concisely written in plain language that can be easily read and understood by the public. Unless otherwise specified, all measurement units in the DEIS shall be English units (e.g., feet, acres, miles etc.) Highly technical material will be summarized and, if it must be included in its entirety, it will be referenced in the DEIS and included as an appendix. In addition, all project correspondence from involved and interested agencies will be included in an appendix to the DEIS.

The DEIS will be written in the third person without use of the terms I, we, and our. Narrative discussions will be accompanied to the greatest extent possible by illustrative tables and graphics. All graphics will clearly identify the project area. The DEIS will group each issue identified into one section describing existing setting, impacts, and mitigation to permit more efficient review.

Concept Level Site Development Plans will accompany the DEIS as an attachment and reduced copies of pertinent plan sheets will be included in the text of the DEIS. The documents shall contain, as attachments, plans, reports, and studies meeting prevailing Federal, State and Town criteria with respect to all disciplines of study as well as Town Site Development Plan criteria.

The full DEIS shall be made available to the lead agency in both hard copy and electronic formats. The electronic format will be in Adobe® Acrobat® (\*.pdf) file on CD-ROM. When the DEIS is accepted for public review by the lead agency, sufficient hard copies will be provided

to allow placement of a copy at the local library and Town office for public review during normal business hours. In addition, the full DEIS will be posted on a public website for public review, in accordance with 2005 amendments to the SEQR law.

## **Contents of the DEIS**

Cover Sheet listing title of project, location, identification as a DEIS, Lead Agency, applicant, preparer, and relevant dates (i.e. date of document preparation and spaces for dates of DEIS acceptance, public hearing, final date for acceptance of comments). A list of preparers will include the firm name, contact name, address, and phone number for all consultants who helped prepare the document. The Lead Agency and applicant will be identified with a contact name and a phone number.

Table of Contents including listings of primary DEIS sections and subsections, tables, figures, drawings, appendices, and any items that may be submitted under separate cover (and identified as such), with page numbers listed for each.

### **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 DEIS. The Executive Summary will only include information that is found elsewhere in the main body of the DEIS.

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

This chapter of the DEIS will describe the project site and its location within the region, 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 County of Ulster, the Town of Rosendale, including tax map numbers and list of abutting properties tax map numbers. The site shall be described relative to surrounding land uses, main transportation corridors, streams, water bodies, wetlands and other prominent natural and man-made features on and in the immediate vicinity of the project site. This description shall include a description of the school district boundary.
2. A brief description of the environmental setting of the site, and the natural resources identified thereon and in the adjoining areas. This description shall include a brief history of site use, current uses of the site and/or past activities and man-made facilities thereon.
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 as well as central water and sewer facilities.

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

1. Written and detailed description of the proposed action, including the proposed use, design, layout, phasing and construction schedule. Indicate whether the plan would preserve any of the cement company structures or Williams Hotel facilities, any of the existing trail system or other existing remnants on the site.
2. Identify zoning and describe existing land uses for the project site and adjoining properties. Include description of the conservation easement on the northern portion of the site, managed by the Rondout-Esopus Land Conservancy, and Central Hudson fee-owned utility corridor.
3. Discuss compliance with all Zoning and Subdivision Approval standards and other criteria set forth in the Town of Rosendale Code. The DEIS will indicate the extent to which any modifications or waivers of such standards and other criteria, any variances from such regulations, or any zone text changes that would be required to carry out the project as proposed and an evaluation of why such deviation is needed and would be appropriate.
4. Identify alternatives to the proposed action under consideration, along with a reference to detailed evaluation contained in latter portions of the DEIS

#### **C. Project Purpose and Need**

1. Discuss the purpose or objective of the project.
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 land use and community development plans.

#### **D. Approvals, Reviews and Permits**

1. List and describe all required local, state, and federal approvals, reviews, and permits required, by each involved agency, to implement the proposed action together with the status of each application, including the creation or expansion of water, sewer, drainage or other municipal districts as required by the project.
2. List all Involved and Interested Agencies for DEIS distribution.

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

This section of the DEIS will identify the existing environmental conditions, potential impacts of the action, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. Sufficient detail should be provided so that reviewers are able to gain an understanding of current conditions and impacts. Special effort should be made to explain technical information in lay language with supporting tables and maps.

Proposed and potential mitigation measures for identified adverse environmental impacts should indicate which mitigation measures have been incorporated into the plans as well as those which have not, and the reasons therefore. Unavoidable adverse environmental impacts should also be identified.

The format or organization of this section will include the following subsection headings for each topic or impact issue to provide a meaningful presentation of the environmental issues that allows the reader to focus on individual impact issues:

Environmental Setting  
Potential Impacts  
Mitigation Measures

## **A. Soils and Topography**

### 1. Bedrock Geology

- a. The existing surficial geology and bedrock of the site will be described. A complete analysis of the onsite conditions should be included. This is essential given the steep slopes and potential for blasting or other forms of rock removal. A map of bedrock underlying the site should be provided with any annotations of rock type, mineral composition, structural geology configuration (strike, dip, folds, faults, etc.) as shown on the NYS Geological Survey's Geologic map (Hudson River sheet), and as determined by any on-site data collected as part of geotechnical or hydrological site analysis.
- b. If prominent and/or unique features, including rock outcroppings are present at the site, these features should be identified on a map. The map shall also show the proposed structures and roadways. The design of the project should be accomplished to avoid, to the extent practicable, and minimize impacts to bedrock, ledges and disturbance of substantial rock outcroppings whenever and wherever possible.
- c. If rock material is proposed to be removed to complete the grading process for this project, the estimated quantity, location, and nature of the rock material likely to be encountered should be described, and method of rock removal should be identified (i.e., ripping, blasting), with the impacts and mitigation measures discussed. The characterization of rock material will include a site-specific seismic assessment to determine the sensitivity of proximate mines or caves to construction disturbance, including blasting, rock sawing, use of vibratory equipment (e.g., vibratory rollers or compactors), and any other construction methods that may affect the stability of nearby caves and mines that have not yet been identified.
- d. Any permits and authorizations required prior to blasting shall be clearly identified, along with their related industry standards or best management practices for mitigating blasting impacts.
- e. The location(s) for any excess rock disposal will be identified and potential impacts and mitigation measures discussed.

2. Soils will be mapped in accordance with the *Soil and Water Conservation District Soil Survey for Ulster County, New York*, and additional on-site investigations as noted below. Evaluation of site soils will include the following:
  - a. Identification and mapping of soils groups and description of limitations on the use of soil groups as per the Town of Rosendale subdivision regulations.
  - b. Identification and evaluation of hydric and non-hydric soils. The relationship of any hydric soils shall be considered with respect to onsite and off-site delineated Federal, State Protected, and/or Town of Rosendale Regulated Wetlands.
  - c. Soil characteristics relating to soil texture, depth to water table; depth to groundwater; depth to bedrock; drainage characteristics; septic system suitability; erodibility factor; and structural stability. Where individual subsurface septic systems are proposed, their locations will be identified and percolation tests shall be performed and depth to bedrock determined to demonstrate soil suitability. The results of percolation tests shall be provided in an appendix to the DEIS.
  - d. The soils shall be characterized within the area of proposed lake excavation to determine the composition of the material, approximate quantity of material to be excavated, presence or absence of chemical contamination, and depth to historic lake bed sediments. Based on soil sampling results an appropriate method and location for use or disposal of the excavated material shall be identified. Drawings or maps showing the limits of testing, proposed excavation, and the disposal location(s) shall be provided. Boring logs and chemical sampling results shall be made available as an appendix to the DEIS.
  - e. Erosion impacts and estimated quantities and locations of increased long-term erosion shall be identified.
  - f. Construction methods and best management practices that will be employed to lessen erosion and to prevent sediment from migrating off-site or into nearby water bodies and wetlands based on prevailing NYSDEC criteria and local regulations. The DEIS will summarize the main elements of a soil erosion and sediment control plan that will be implemented during and post-construction. The erosion and sediment control plan shall be consistent with the document entitled "New York Standards and Specifications for Sediment and Erosion Control" and the requirements of the DEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) or their current equivalents. A preliminary full Stormwater Pollution Prevention Plan shall be provided as an appendix to the DEIS.
  - g. Available site information concerning known sources of soil or groundwater contamination will be gathered and discussed. This information will include, for example, agency records on spills and tank locations, as well as information gathered by the property owner during due diligence investigations. Soils surrounding structures that will be demolished, or soils known to be impacted by waste or debris disposal, shall be investigated for the presence of underground or above-ground fuel storage tanks, or other potential sources of contamination. If present or former tank locations are identified, the soils will be sampled to

determine the presence and levels of contamination present. If contaminated soils are determined to be present, the limits and quantity of contaminated soils will be determined and the potential impacts of the project on the soils will be evaluated. Potential cleanup and disposal methods will be identified and discussed. The supporting sampling and analytical reports shall be included in the DEIS as an appendix.

3. A topographic survey based on a two-foot contour interval will be prepared. Existing and proposed topography will be mapped based on the following slope categories: 0-15%, 10-15%, and 15% or greater. Slope descriptions will include a listing of these slope categories as a percentage of the total site area. A comparison of existing and proposed topography will be evaluated. The following will be described:
  - a. Prominent and/or unique features including mapped and identified rock outcroppings if present on the site.
  - b. A preliminary cut and fill analysis, including an analysis of the disposal of excess cut or the import fill materials, if fill is required, as well as identification of areas where cut will reach the water table and contingency plans to deal with discharge of groundwater to the surface. The preliminary cut and fill analysis will be based on bulk grading at 10-foot contours, or less where more precise topographic site information is available.
  - c. In areas identified for stormwater infiltration, test pits and percolation tests will be conducted to confirm the adequacy of the soils.

## **B. Surface Water Resources**

1. Surface water features will be mapped and described. These will include all DEC-classified streams and waterbodies, federally-regulated wetlands, state-regulated freshwater wetlands, vernal pools and the 100-year floodplain. These features will be shown on a map of surface water resources. The direction of surface water flow within and between surface water bodies shall also be described and mapped. The function of the wetlands and other water bodies, such as points of recharge, discharge, entrapped, low flow, etc., shall be defined with respect to surface water and groundwater flow. For additional information concerning the identification of vernal pools, federally-regulated wetlands, and state-regulated freshwater wetlands, see Section III.E.3 of this scope.
2. A description of the project's permanent and temporary direct impacts to surface waters by waterbody type will be provided. The total area of temporary and permanent impacts in acres will be provided for each alternative under consideration.
3. Stormwater Management. The DEIS will summarize a stormwater pollution prevention plan (SWPPP) for the development, prepared in accordance with the DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), and other applicable requirements imposed by the Town of Rosedale as a regulated Municipal Separate Storm Sewer System (MS4) community. The full SWPPP will be included as an appendix to the DEIS, but the summary within the DEIS will address the following:

- a. A drainage study, defining existing and post-development peak rates and flow volume of stormwater runoff and stormwater quality treatment during the statistical 1-, 10-, and 100-year, 24-hour Type III storm events, will be submitted. The results of this study will be summarized in the DEIS text and all supporting calculations will be presented in an appendix to the DEIS.
  - b. Pre- and post-development stormwater runoff quality will be discussed and summarized.
  - c. A description of the proposed stormwater detention and treatment methods per current NYSDEC Design Standards and local regulations shall be provided and the conceptual locations of all stormwater management design measures will be shown on a drawing. The access to, ownership of, and responsibility for long-term maintenance of any stormwater management facilities shall also be discussed.
  - d. The DEIS will summarize the main elements of a soil erosion and sediment control plan that will be implemented during and post-construction. The erosion and sediment control plan shall be consistent with the document entitled "New York Standards and Specifications for Sediment and Erosion Control" and the requirements of the DEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) or their current equivalents. The full Stormwater Pollution Prevention Plan shall be provided as an appendix to the DEIS.
4. The project's potential indirect impacts on surface water bodies related to water use will also be provided. An evaluation of the project's proposed use of a surface water supply source (Williams Lake) for potable and irrigation purposes, and its potential impacts on surface water bodies within and near the project site will be provided. This will include a summary of the water budget assessment provided in more detail under "Water Supply", which is described further in Section III.D of the scope. Additional detailed information about the proposed water supply system and its components will also be provided under "Water Supply" (see Section III.D of the scope).

### **C. Ground Water Resources**

1. The groundwater resources of the site will be described using available literature regarding the geology and hydrology of the region and site; any on-site information collected during subsurface investigations, including geotechnical and soil borings, well drilling activities, and mine and cave investigations; and observations and mapping of surface water resources.
2. The relative elevations of groundwater present in bat hibernacula and surface waters in proximity to the hibernacula and project development will be determined.

3. Potential areas of direct groundwater recharge will be described and identified on a site map.
4. Assessment of potential impacts on adjoining properties and regional hydrology from proposed water supply system, including potential changes in hydrologic function and potential impacts on groundwater supply for neighboring residents.
5. Include a discussion of the potentially karstic characteristics of the aquifer on the site and potential impacts of the project on groundwater quality that may result from stormwater runoff discharges, wastewater treatment plant discharges, water treatment plant discharges, and disposal of excess fill within mine or cave areas. Other sources of potential impacts to groundwater quality shall also be included, as identified.
6. An assessment of the potential for changes in groundwater elevations within bat hibernacula due to construction impacts (e.g., blasting, excavation etc.) and proposed water uses will be provided.
7. Measures to mitigate potential impacts to groundwater quantity, quality, or elevations that are identified will be described and evaluated.

#### **D. Water Supply**

1. The former Williams Lake Hotel water supply and distribution system will be described. The description will include the average daily demand, infrastructure components (e.g., intake structure, treatment equipment, distribution system, and storage, if any), and general history of operation, including current use.
2. A central water supply system utilizing the existing surface water source (Williams Lake) is proposed. An evaluation of the proposed source of water will be completed and the results summarized in the DEIS text. The evaluation will identify the following:
  - a. An estimate of the water demand, irrigation requirements and/or restrictions.
  - b. Permit requirements for water supply, including ownership/control of any controlled area as required by regulatory agencies.
  - c. An updated evaluation of the potability of the proposed water source, in accordance with NYS Department of Health and Ulster County Department of Health water quality standards for community water supplies.
  - c. An estimate of the existing supply capacity based on available information sources and its general physical extent. The study must include a water budget (recharge analysis) of the study parcel and its watershed. Recharge must be estimated under normal and drought conditions and compared to estimated water demands of the project. If the sewer district(s) will be disposing of sewage effluent off site, include the removal of that water in the water budget analysis.
  - d. The analysis of water supply impacts will include an identification of mitigation measures to be implemented if necessary.

3. Central Water Supply System Using Groundwater Sources: If the water supply source will be groundwater, proposed well(s) and the supporting aquifer will be described. The hydrogeological evaluation will identify the following:

- a. Submission of applicable geologic maps.
- b. An estimate of the water demand, irrigation requirements and/or restrictions.
- c. Permit requirements for wells, including compliance of radius of ownership and sanitary control required by regulatory agencies.
- d. The location and characteristics (e.g. well type, depth, pumping capacity, etc.) of the proposed supply well(s), including geologic logs and well completion reports. Proposed test well locations must be approved by the Ulster County Health Department (OCHD) prior to drilling. The town's hydrogeologic consultant must be copied on this task for comment.
- e. A minimum 72-hour pump test will be performed and demonstrate 6-hour stabilized yield and drawdown of the proposed supply wells(s). Aquifer testing shall be conducted in conformance with New York State and Ulster County Health Department standards and guidelines. The DEIS shall include a summary of well water quantity and quality testing results.
- f. An estimate of the existing supply capacity of the aquifer based on available information sources and its general physical extent. The study must include a water budget (recharge analysis) of the study parcel and watershed. Recharge must be estimated under normal and drought conditions and compared to estimated water demands of the project. If the sewer district(s) will be disposing of sewage effluent off site, include the removal of that water in the water budget analysis.
- g. The analysis of ground water impacts will include an identification of mitigation measures to be implemented if necessary. Discuss water supply and adequacy to supply adjoining properties and/or properties impacted by withdrawals from the proposed wells (if any).

4. Water Supply System Design:

- a. The preliminary design for the proposed water supply system (water storage tank, delivery issues, pressure zones, distribution around the site, and any on-going upgrades planned by the water supplier) shall be clearly explained with provision for both domestic and fire flow capacities.
- b. The preliminary design will be provided on a drawing that shows the proposed water supply infrastructure, including the locations of the water supply source(s), treatment facility, likely water main routes, and proposed storage structure(s).
- c. Treatment methods shall be identified based on the results of water quality tests. If necessary, the locations and means of discharging treatment process wastes (e.g., filter backwash) will be identified and impacts discussed.

- d. Administrative issues relating to the water supply system and water district shall be addressed, such as property ownership, service area boundaries, facility ownership and maintenance, A map of the proposed service area will be provided.
5. Individual Water Supply Wells: Where individual water supply wells are proposed for potable purposes serving detached single family units, or other uses (e.g. irrigation, geothermal climate control, etc.), the locations will be shown on the development plans and described in the DEIS. The estimated quantity of water required by each new well will be identified and any potential interconnections between individual wells and the community water supply system will be identified.

#### **E. Wastewater / Sewage Disposal**

1. The features and location of the existing sewage disposal system(s) on the property will be described. The description will include the design capacity, location, system design, and infrastructure components. The current state of the system and its future use, if any, will also be described.
2. Estimate the potential sewage generation from the proposed project. The estimate will provide the flow estimates by unit type and structure. Identify the sewer district(s) which include(s) the site and the location where the sewage will be treated and discharged.
3. Describe the infrastructure components necessary to construct and operate the proposed wastewater collection and treatment system, including the treatment plant, likely routes of proposed sewer mains, pump station location(s), and power supply lines. A drawing will be provided of the likely wastewater collection and treatment system.
4. Administrative issues relating to the wastewater collection and treatment system shall be addressed, such as property ownership, service area boundaries, facility ownership and maintenance, A map of the proposed service area will be provided. The requirement to form a Sewage Works Corporation pursuant to Article 10 of the NYS Transportation Corporations Law for the collection and treatment of sewage from more than one separately owned parcel of land will also be explained.
5. Address any potential sewerage limitations that may apply to the project. These include the following:
  - a. DEC designated stream class and related effluent limitations that would apply to the receiving stream.
  - b. The characteristics of the receiving stream will be described. These include is flow volumes, including seasonal low-flow;
  - c. The proximity of nearby residences (existing and proposed) and potential noise and odor impacts. Relevant portions of the NYSDEC Program Policy on

Assessing and Mitigating Noise Impacts (#DEP-00-1) will be used to assess the potential noise impacts of the proposed wastewater treatment plant.

6. Assess potential direct and indirect impacts of wastewater treatment and discharges on:
  - a. Natural resources: wetlands, streams and ecological communities;
  - b. Nearby residences (existing and proposed).
  - c. Impacts related to construction of the collection and treatment system.
7. Discuss mitigation measures to address identified potential impacts which may include, among others, water conservation to reduce sewage flows; relocation of components to address siting constraints (including wetlands); and alternative technologies or structures. The potential mitigation measures discussed will also include potential interconnection to, and expansion of, the Town of Rosendale municipal plant.

## **F. Terrestrial and Aquatic Ecology**

### **1. Vegetation**

- a. Contact the NYSDEC and Federal Fish and Wildlife Service to identify and evaluate the possible presence of State- or federally-listed exploitably vulnerable, rare, threatened, or endangered species, or species proposed for listing. Provide copies of all correspondence from NYSDEC and USFWS as an appendix to the DEIS.
- b. Conduct a primary field survey (natural resources inventory) by trained professionals to determine existing vegetation and ecological communities and provide a description of the findings. The field survey should cover, where appropriate, the full growing seasons of the year. Mapping of all significant areas of vegetation and specimen vegetation in areas of disturbance should be provided.
- c. Evaluate the potential impacts on the resources identified, including a quantitative assessment of potential loss and/or reduction of function, and necessary mitigation measures designed to offset, reduce, or eliminate such losses. This will include a drawing showing the clearing limits for the proposed project (including anticipated infrastructure installations) that includes the limits of all clearing, grading, construction, and landscaping activities.

### **2. Fish and Wildlife**

- a. Identify and evaluate the possible presence of State- and federally-listed endangered, threatened or species of special concern, or species proposed for listing. This section shall include an evaluation of the presence of and potential impacts to such species, including Indiana bat, Eastern small-footed Bat, Northern cricket frog, Jefferson's salamander, Allegheny woodrat, pied-billed grebe, and red shouldered hawk. This section shall also contain specific

reference to any impacts on bat hibernacula and the white-nose syndrome disease crisis affecting the Indiana bat. In addition to endangered or threatened species, also address Responsibility Species as per the Audubon Society's publication "Important Bird Areas of New York".

- b. Conduct a primary field survey (natural resource inventory) by trained professionals to identify existing species that may utilize the site and provide a description of the findings. Address habitat suitability for unique, rare and/or endangered, threatened and special concern species and assess likelihood of their presence if not observed. The field survey should cover, where appropriate, the active seasons of the year and, where available, utilize survey protocols established by the USFWS or DEC appropriate to the species and season. The DEC shall approve survey methods and plans where there are proposed deviations from established survey protocols, or where survey protocols are not available. Applicant should identify the presence or likelihood of any wildlife movement patterns, potential wildlife corridors (known as dispersal corridors) or other potentially critical connections to open spaces beyond the project site. The relative elevations of groundwater present in bat hibernacula and nearby surface water bodies will also be identified.
- c. Evaluate the potential short-term and long-term impacts on the resources identified, including, among others, a quantitative assessment of potential removal or disturbance of existing wildlife and habitat areas, potential destabilization of bat hibernacula during construction, potential lighting impacts on bat behavior, potential fragmentation of habitat from project construction, and construction-related impacts to seasonal migrations or movements of species due to equipment movements, staging areas etc. Also address potentially harmful or nuisance interactions between future residents and wildlife species
- d. Discuss necessary mitigation measures designed to offset, reduce, or eliminate potential impacts to wildlife and wildlife habitat identified above. Such mitigation measures would include, among others, changes in project component design, project site layout, project component locations, site lighting levels and locations, construction schedules, locations of staging areas, etc. Also discuss measures to minimize or avoid potentially harmful or nuisance interactions between future residents and wildlife species.

### 3. Wetlands and Waterbodies

- a. Delineate and flag the boundary of all on-site State and Federal Jurisdictional Wetlands in accordance with New York State Department of Environmental Conservation criteria (1995 Delineation Manual) and the methodology provided in the 1987 Army Corps of Engineers Wetlands Delineation Manual. Describe on-site wetlands and waters, listing codes and classifications for state regulated wetlands, streams and waterbodies. ACOE Jurisdictional Determination shall be provided. A drawing will be provided that includes the labeled wetland boundaries shown in accordance with the ACOE Jurisdictional Determination and NYSDEC validation by DEC field staff. The drawing will also show the

regulated 100-foot adjacent area of all State-designated freshwater wetlands on the site.

- b. Calculate the area of proposed wetland or vernal pool disturbance based on grading plans, utility plans, and other available project information, and identify any proposed surface water discharges to wetlands. All proposed disturbance of any wetland or vernal pool should be clearly noted on the plans and described in the DEIS. The disturbances will be categorized as temporary or permanent and the acreages tabulated accordingly.
- c. Assess wetland functions and values and potential impacts at the project and watershed scale. The function of the wetlands, such as points of recharge, discharge, entrapped, low flow, etc., shall be defined with respect to surface water and groundwater flow.
- d. Describe proposed measures that would be implemented to avoid and minimize wetland impacts. Discuss any special mitigation measures that will be implemented to prevent soil erosion and sedimentation of wetlands during construction. Where unavoidable wetland impacts are identified, a compensatory wetland mitigation plan will be provided that provides a rationale for the proposed mitigation. The plan will include drawings for the proposed compensatory wetland mitigation showing its location and conceptual grading and landscaping plans.
- e. Identify natural resource permits required from the NYSDEC, Army Corps of Engineers, and/or Town of Rosendale to implement the proposed project.

## **G. Land Use and Zoning**

### 1. Land Use

- a. Describe existing land uses of the subject property and adjoining properties.
- b. Discuss the compatibility of the proposed project with the character of the adjoining area.
- c. Discuss potential impacts on adjacent land uses.
- d. Discuss proposed uses of land under Conservation Easement and additional measures to create Open Space and/or land under permanent Conservation. This discussion will include an evaluation of potential rail trail routes through the property that would provide a connection with existing and potential rail trail access north and south of the site. Drawings will be provided showing potential rail trail locations.
- e. Describe the construction schedule. Discuss impacts on adjacent land uses associated with proposed construction activities, including access to the site for construction vehicles, effects of construction traffic on adjacent roadways, construction staging and material stock piling, erosion and sedimentation control. Discuss mitigation measures to minimize transportation of demolition material off-site.

## 2. Zoning

- a. Describe existing zoning of the project site and adjoining properties.
- b. Discuss conformance of the proposed action with the most recent comprehensive plan for the Town of Rosendale, and pending Plans where applicable.
- c. Demonstrate compliance with all zoning requirements and subdivision approval standards and other applicable criteria set forth in the Town Code. 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, and an evaluation of why such deviation would be appropriate.

## H. Transportation

1. A Traffic Study will be conducted which will evaluate existing traffic conditions compared to conditions that would be anticipated from implementation of the proposed action. Provide a qualitative description of historic traffic conditions related to the former Williams Lake Hotel and hosted events. The study will describe the existing available public transit modes nearest to the site and include a map showing the location(s). The study will address potential impacts associated with implementation of the proposed action, and will identify proposed traffic and safety improvements or other mitigation measures designed to lessen the impact of the project on the adjacent road network. The study will also analyze the interaction of such mitigation measures with existing or planned public transportation options in the municipality or region. Such study will include ability of existing roadway structures (i.e., pavement section, width, geometry, etc.) to accept additional traffic and consideration of traffic calming designs to reduce speeding within the project and adjacent area roadways. Methodologies from the latest version of the Highway Capacity Manual will be used to conduct intersection analyses. All of the data collected and analyzed will be summarized in maps or tables.
  - a. Study Area Intersections. Data collection will include counts and turning movements at the following existing intersection locations:
    - Binnewater Road (County Route 7) / Breezy Hill Road (County Route 26)
    - Binnewater Road (County Route 7) / Main Street (NYS Route 213)
    - Binnewater Road (County Route 7 / Lucas Avenue (County Route 1)
  - b. Peak Hours. The typical AM and PM peak hours for a weekday will be determined and AM and PM peak hour traffic volume counts and analysis of intersections and turning movements will be conducted on a Tuesday, Wednesday or Thursday to accurately measure the existing traffic. Weekend traffic analysis is also to be conducted during the Saturday midday peak hour period only for those intersections determined, based on ATR data, to be within 20 percent of the highest weekday counts, or higher. Data will be collected

when public schools are in session, and ATR's placed for one continuous week will be used to verify the peak hour periods.

- c. Roadway analysis. The following existing streets will be inventoried to determine street widths, shoulder conditions, speed limits, prevailing speeds, number of travel lanes, sight distance measurements at intersections with restrictive conditions, traffic control devices, signs, and markings. Sight distance and intersection conditions of the study area intersections shall be included.
  - Binnewater Road (County Route 7)
- d. Analysis of Impacts. The analysis will include evaluation of other known area projects at the time that the traffic study is undertaken. The study will include applicable development projects under construction, and development projects approved and not yet under construction, and shall consider traffic volumes and turning movements as well as road alignment, intersections and other considerations). The build year at which time the project will be completed will be analyzed. The capacity of each intersection for the existing, no-build, and build conditions will be calculated. The potential traffic generation resulting from the proposed use will be estimated based on the Institute of Transportation Engineer's most recent *Trip Generation Manual* and will include the trips generated from the potential park uses on the site. Weekend traffic analysis is to be included. Trip distribution assignments used for impact analysis are to be made based on existing travel patterns.
- f. Mitigation. Mitigation in the form of recommendations for roadway and intersection improvements, traffic controls, signal modification, timing revision, future monitoring shall be discussed. The need for adequate parking, bicycle facilities, and sidewalks within the proposed development necessary to minimize internal traffic trips will be discussed. In addition, means to reduce the overall number of vehicle trips generated by the project will be considered, such as links to available public transportation and provision of energy-efficient shuttles to highly-frequented, nearby destinations.

## I. Aesthetic Resources

1. Describe the visual character of the project site environs through the use of narrative text and one or more of the following: aerial photographs, plans, sections, visual sight line profiles. Provide a viewshed map showing important points from which this site can be viewed using the NYSDEC Program Policy, Assessing and Mitigating Visual Impacts, DEP-00-2 as a guideline. The analysis will describe:
  - a. The existing visual character as viewed from public roads or properties, including main structures on the site.
  - b. The change in visual character resulting from implementation of the proposed action, including components related to wastewater treatment, water supply storage and other visible infrastructure.
  - c. Mitigation measures proposed to lessen the visual impact of the proposed action including but not limited to such matters as architectural design,

landscaping, preservation of existing vegetation and woodlands, and preservation of existing topography.

- d. If mitigation is necessary, describe the landscaping/revegetation elements to be integrated into the plan to mitigate potential visual impacts.
- e. Specific attention shall be paid to visual effects during both day and night time conditions. Site lighting, including street lighting and parking area shall be considered, and a lighting plan provided if proposed. Mitigation measures related to sight lighting shall be identified.

#### **J. Historic and Archaeological Resources**

1. Contact the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to determine the presence of and potential impact on historic and archaeological resources that may be located on the project site, as well as the Century House Historical Society of Rosendale. Provide copies of all correspondence from OPRHP in an appendix to the DEIS.
2. Describe the findings of any cultural resource investigation if same is required by OPRHP. Provide copies of any cultural resource survey performed on the site as an appendix to the DEIS.
3. Discuss mitigation measures proposed or alternatives considered as deemed advisable by OPRHP in consultation with the professional archaeologist.
4. Provide a history of the project site. Provide a mitigation plan for protecting remaining historical features of the Rosendale cement industry as applies specifically to this site.

#### **K. Community Facilities and Services**

1. The proposed project may create the need for additional community services including police protection, fire protection, emergency medical services, education, public utilities (excluding water and sewer described elsewhere), and public recreation/open space facilities. Each existing service area will be described as to its existing capacity. (Water and sewer services and distribution are addressed separately in other sections.)
2. The impact of the proposed project on each service area will be estimated, according to generally accepted multipliers.
3. Mitigation measures will be discussed including increasing the capacity of affected community service areas as a result of the proposed action.
4. Mitigation measures will be discussed including increasing the capacity of the affordable housing resources within the region as a result of the proposed action.
5. Utilities: Address how the public utilities (electric, gas, telephone and cable) are proposed to be distributed within the site, both physically and administratively. Discuss potential impacts of utility installation and proposed mitigation measures.
6. Address intermunicipal services (for example police or fire response), if any, and any administrative concerns related to the project site.

7. Recreation/open space: Describe the existing facilities that are presently (in 2007) available to the public for recreational use at the Williams Lake Hotel resort and at other portions of the project site, including the type and intensity of use. Describe the existing recreational facilities that are presently available to the public in the Town of Rosendale and nearby areas. Identify any on-site facilities and open space areas that are proposed to remain available to public use. This discussion will include an evaluation of potential rail trail routes through the property that would provide a connection with existing and potential rail trail access north and south of the site. Drawings will be provided showing potential rail trail locations. Also discuss potential for public access to be provided to Fourth Lake. Finally, the DEIS will also include a discussion of the site's potential for designation and use as permanent, publicly-accessible open space or parkland.

#### **L. Fiscal Impact Analysis**

1. A fiscal impact analysis will be undertaken to ascertain the potential fiscal impacts associated with the increased demand generated by the project.
2. The fiscal impact analysis will be on the cost and revenue implications of the project for each service taxing district affected by the proposed action. The fiscal impact analysis will be based on generally accepted methods and their application. The market value for proposed homes will be described, as it is the basis for property tax revenues. Projected income from the hotel/spa facilities will be utilized for projecting future sales tax revenues. Analysis of the no-action alternative shall also be provided.
3. Mitigation measures, if necessary, will be presented that minimize the fiscal impact of the proposed action.

#### **M. Noise and Air Resources**

1. The DEIS will evaluate the potential construction-related impacts to noise levels and air resources and will identify appropriate mitigations to reduce it, including the noise to be generated by site clearing, truck traffic, blasting and rock excavation, and the potential post-development noise from environmental impacts to the surrounding neighborhood, if any.
2. Potential environmental impacts anticipated due to the construction of the proposed project, hours of construction operations, including noise and traffic, air quality, dust blasting, chipping and its impact on the surrounding area should be described, including the potential damage (and remedial measures to be taken to correct damage) to Town roads from construction traffic, and the prevention of mud and gravel from being tracked onto Town roads. Estimates of the tons and truck trips necessary to carry out construction of the development should be set forth.
3. If blasting will likely occur, the discussion should not only include mitigation measures that address ways in which blasting will be controlled, it should also address ways of reducing and avoiding the need for blasting.

4. Relevant portions of the NYSDEC Program Policy on Assessing and Mitigating Noise Impacts (#DEP-00-1) will be used to assess the potential noise impacts of the proposed wastewater treatment plant.
5. Address effect on existing areas of changed traffic patterns and road connections.
6. Discussion should include any potential for adverse odors related to specified wastewater treatment sites and present mitigation measures.

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

This section of the DEIS will list the long-term, permanent impacts that are likely to occur despite mitigation measures, and will compare in summary form the beneficial and adverse implications of these unavoidable impacts. Discussion will also include short term, temporary construction impacts.

1. There should be a description of methods of recycling waste and natural materials on site during construction.
2. Describe the construction schedule and any limitation to the amount of acreage of disturbed soil exposed at any one time.

#### **V. ALTERNATIVES**

This section of the DEIS will evaluate and compare alternatives to the proposed action, which are listed below. The evaluation and comparison will include a conceptual subdivision plan and a tabular comparison of quantified impacts in addition to text. The tabular quantification will include, at a minimum, impacts on vegetation by type, wetlands, vernal pools, surface waters, water demand by type, wastewater flows, total area of disturbance, acreage of required blasting, and estimated traffic trips generated.

The following alternatives will be studied:

- A. The “No Action” Alternative as required under 6 NYCRR 617.9.b.5. In consideration of the no-action alternative, a discussion should be provided that evaluates the potential designation and use of the site as permanent and publicly-accessible open space or parkland.
- B. A Resort Rehabilitation Alternative that evaluates the restoration or improvement of the existing lodging facilities, amenities, and trails, within the existing development footprint.
- C. A Conceptual Subdivision Alternative designed in accordance with existing zoning requirements, and to the maximum allowable density(ies).
- D. A Conservation Resort/Subdivision Development Alternative designed to avoid direct and indirect impacts to cultural resources and natural resources, including regulated wetlands, regulated wetland 100-foot adjacent areas, other water bodies, and listed

wildlife species and their critical habitats, as identified during site evaluations. This plan shall include discussion and analysis of permanent restrictions on any future alteration of the site and facility conditions (including, but not limited to, grading, tree clearing, lawn installation).

## **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 AND CUMULATIVE IMPACTS**

Potential growth-inducing aspects, including short long term, primary and secondary/indirect impacts, generated by the project will be described and mitigation measures discussed, if necessary. Projects under review by the Town of Rosendale within proximity to the Hudson River Valley Resort development proposed, under review, or approved since 2006 will be identified and described. A map showing the locations of such projects and their distances to the Hudson River Valley Resort site will be provided. Potential cumulative impacts will be identified and evaluated.

## **VIII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES**

A description of the effect of the proposed action on the short and long term use and conservation of energy resources will be provided including ways to reduce inefficient or unnecessary consumption during construction and long term operation. The discussion will include applicable building codes and consideration of Leadership in Energy and Environmental Design (LEED) Green Building Rating System certification criteria in developing building plans for this project. Measures identified within the transportation analysis above to minimize vehicle traffic trips within and from/to the site will also be summarized.

## **IX. APPENDICES**

The appendices will include a list of all underlying studies and reports relied upon in preparing the DEIS, technical exhibits and studies background information relevant to the proposed action such as the adopted Scoping Document and other relevant SEQR documents, and relevant correspondence.