

DRAFT
SCOPING DOCUMENT

FOR



Draft Environmental Impact Statement

**Harriman Drive
Town of Goshen
Orange County, New York**

Lead Agency and Contact Person:

Lee Bergus, Chairman
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GENERAL GUIDELINES

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

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

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

BRIEF DESCRIPTION OF THE PROPOSED ACTION

Merlin Entertainments, as project sponsor, proposes to construct a theme park and resort on approximately 153 acres of a 523 acre site consisting of 13 total parcels located off Harriman Drive in the Town of Goshen. The park will include rides and attractions, an aquarium, theaters, restaurants, a hotel and various back of the house facilities including offices and staff areas as well as associated parking and drainage facilities. The Project Sponsor proposes to seek public water and sewer services from the Village of Goshen.

This application is a TYPE 1 Action under SEQRA, as it involves the construction of a non-residential facility with greater than 100,000 square feet, parking for more than 1,000 cars, or involves the physical alteration of more than 10 acres. See 6 N.Y.C.R.R. § 617.4(b)(6).

INVOLVED AGENCIES

NYS Department of Environmental Conservation – SPDES and possible wetland disturbance
NYS Department of Transportation – Possible work within NYS Route 17 or Route 17M ROW
Empire State Development Corporation
Orange County Department of Health
Orange County Industrial Development Agency
Town of Goshen Town Board – Approval of zoning amendments
Town Highway Department – Road opening permit(s)
Village of Goshen – Utility services

INTERESTED AGENCIES

U.S. Army Corps of Engineers
NYS Department of Agriculture & Markets
Orange County Department of Planning – G.M.L. § 239-l, m, and n
Town of Goshen Environmental Review Board
Goshen Fire District
Town of Goshen Police Department
Goshen Volunteer Ambulance Corp
Town of Chester
Village of Chester

FORMAT AND SCOPE OF DEIS

COVER SHEET

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

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

TABLE OF CONTENTS

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

I. EXECUTIVE SUMMARY

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

- An Introduction, including the purpose of the DEIS, a relevant history of the SEQRA process that has occurred (i.e., relevant dates establishing Lead Agency, the date of adoption of the Positive Declaration, date of the acceptance of the Scoping Document).
- Project Site Existing Conditions - provide a short description of the subject property and characterize its location and natural features as well as provide a brief history of the use of the property and where existing changes to its natural state have occurred.
- Project Description - overview of the project layout, size and use of proposed structures, discussion of parking, loading, circulation, landscaping, lighting and proposed utilities.
- List of Involved and Interested Agencies.
- Project purpose, need and benefits.

- Summary of Existing Conditions, Potential Impacts and Proposed Mitigation Measures in the order they appear later in the document (organized by topic and presented in tabular format, if possible).
- Summary of adverse impacts and irreversible commitment of resources.
- Alternatives to the Proposed Action including the mandatory no build alternative.
- Unavoidable Adverse Impacts and Irreversible and Irrecoverable Commitment of Resources.

II. PROJECT DESCRIPTION

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

B. Description of Proposed Action – This will include written and graphical representation of the proposed action including general layout of the site, buildings, access, circulation, parking and loading. Hours of operation and description of general operations at the site. Any improvements to public rights of ways or other public improvements will be discussed. Any areas to remain as open and/or green space will be discussed.

Proposed drainage, utilities and construction phasing will be summarized. This section should also discuss the relationship between the Proposed Action and both the Town and County Comprehensive Plans.

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

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

III. EXISTING CONDITIONS, POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURES

A. Geology and Soils

1. Existing Conditions

- Underlying geological conditions including depth to bedrock and depth to groundwater will be described;
- Soil types and characteristics shall be identified as presented in the Orange County Soil Survey and supported with actual borings when necessary.
- Fracture trace on the property should be mapped.

2. Potential Impacts

- Limitations that geology or soils may place on the development of the site;
- Potential for erosion or drainage complications; and
- Potential for blasting or major rock removal.

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary. Unavoidable adverse impacts will be identified.

B. Topography

1. Existing Conditions

- Site topography and slopes shall be described.
- Topographical maps at 2' contours shall be provided.

2. Potential Impacts

- Grading plan will be presented with a cuts and fills analysis at 2' contours;
- The need for any retaining walls will be discussed; and
- Any limitations or relevant regulations of the Town Code shall be discussed and the project's consistency therewith.

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.

C. Surface Water Resources

1. Existing Conditions

- Existing surface waters, including wetlands (as defined by the Goshen Town Code and Federal/NYS criteria) streams and flood plains, will be discussed and presented graphically;
- Discussion of adjacent Village reservoirs;
- All resources will be described in terms of jurisdiction, classification, size and any applicable regulated areas including buffer and floodplains. A Jurisdictional Determination will be provided as an attachment to the DEIS.

2. Potential Impacts

- Any encroachment into surface water resources or regulated areas will be discussed. Discuss whether those encroachments will be permanent or temporary and impacts associated therewith will be provided; and
- The potential for contamination of surface waters on both a long- and short-term (construction) basis will be addressed.
- Water quality impacts to village reservoirs;

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.

D. Vegetation and Wildlife

1. Existing Conditions

- Site Biological Assessment will be prepared for the site by a qualified consultant. Mapping for habitats of threatened and endangered species and species of special

concern will be provided. For purposes of this DEIS, a habitat is a place where a plant or animal lives, with all the living and nonliving conditions necessary for it to thrive. Also, an ecological community shall be considered an assemblage of plants and animals that interact in a shared environment, and a vegetative community is only the plant component of the assemblage;

- Onsite vegetative communities will be described and an inventory of species likely on the site should be provided;
- Threatened, endangered and rare species as well as species of conservation concern (as defined by DEC) found on the site or known to be located in the area and the potential for such species to locate on the site given the existing site ecology will be discussed.
- Correspondence with NYS DEC Natural Heritage Program will be provided.

2. Potential Impacts

- Discuss amount of site vegetation removal including any portion of habitats identified above and the amount of open and/or green space which will remain after construction. In addition, the impact on existing trees with the limits of potential site disturbance will be provided.

3. Proposed Mitigations

- Mitigation will be proposed for identified adverse environmental impacts as necessary, which may include, if appropriate, preservation, rehabilitation, relocation, plantings, etc. or a restriction on tree-cutting during specified time periods. Additionally, the selection of any planted vegetation for mitigation should be, to the extent possible, restricted to native, companion and xeriscape compatible vegetation

E. Groundwater/ Water Supply

1. Existing Conditions

- Identify any existing wells on the property and their pumping capacity. Include dates of pump testing and protocol employed. Provide both current and prior testing (quantity and quality) where relevant.
- Describe available public water supply in terms of available infrastructure and capacity.

2. Potential Impacts

- Calculate the anticipated amount of water demand for the proposed Action;
- Describe the infrastructure required for the proposed water distribution system and provide a map of the proposed system. Both on and off-site improvements will be described if appropriate. Discuss anticipated water demand (domestic, fire flow and process), treatment systems based on the results of the water quality analysis;
- Discuss fate of existing wells on the property that are not intended to be developed including well abandonment procedures; and
- Describe administrative issues related to the onsite water system such as property ownership, easements, facility ownership, maintenance, and service area boundaries.

3. Proposed Mitigation

- The Applicant shall discuss what mitigation measures will be proposed for identified adverse environmental impacts. Unavoidable adverse environmental impacts will also be identified.

F. Wastewater Management

1. Existing Conditions

- Identify existing wastewater infrastructure on site or in the immediate vicinity of the project site.

2. Potential Impacts

- Calculate amount of anticipated wastewater production for the proposed Action;
- Describe proposed system to collect, convey and treat wastewater and provide a map of the proposed system including potential outfall location and alternatives (if any);
- Describe administrative issues related to the onsite sewage collection and treatment system such as property ownership, easements, maintenance, and service area boundaries. Discuss the requirements to form a Sewage Works Corporation if pertinent.

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.

G. Stormwater Management

1. Existing Conditions

- Existing drainage patterns will be described and presented graphically;
- Discuss of the overall watershed in which the project site is located.

2. Potential Impacts

- Project will require coverage under SPDES General Permit for Stormwater Discharges from Construction Activity;
- Temporary construction impacts will be discussed;
- Describe pre and post-construction drainage patterns, flows and proposed infrastructure to capture and treat stormwater consistent with the NYS DEC design manual;
- Describe and graphically depict proposed stormwater pond discharges;
- Potential water quality impacts will be addressed; and
- Preliminary SWPPP, which shall include a sediment and erosion control plan, will be provided as an appendix.

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.
- Green stormwater practices will be discussed.

H. Traffic

1. Existing Conditions

- Provide a detailed description of existing area roadways including the pavement width and condition, width of travel lanes, shoulder and parking lanes, speed limits, roadway characteristics including vertical and horizontal features, location of bus stops and types of traffic control and signage with focus on the following intersections:
 - *NYS Route 17M and South Street*
 - NYS Route 17M and Exit 125 On/Off Ramp (both eastbound and westbound)
 - NYS Route 17M and Exit 124 On/Off Ramp
 - South Street at Harriman Drive
 - Harriman Drive and BOCES Access Drives

- Harriman Drive and Glen Arden Retirement Community Access Drive
 - NYS Route 17M and NYS Route 207 and Matthews Street
- Perform manual field traffic counts during the weekday AM (6:30-9:00 AM) and PM (3:30-7:00 PM) hours at the above listed intersections (Study Intersections). Also obtain available traffic volume data from NYSDOT when schools are in session as well as during summer conditions.
 - Machine traffic counts will also be collected at select locations on South Street and Harriman Drive to identify hourly and daily variations in volumes.
 - Compute the existing intersection capacity and operational level of service for the Study Intersections during the peak hours for each intersection following the procedures set forth in the 2010 Highway Capacity Manual (HCM). Analysis will be performed using an appropriate analysis tool such as Synchro.
 - Obtain the most recent three years of accident data, compile and analyze to determine whether there are any locations which have exhibited a high rate of accidents (defined as twice the statewide average rate for similar facilities). For such locations, study the type of accidents, list of contributory causes and conduct a field inspection of the location to verify that the roadway geometry conforms to current design standards.

2. Future Traffic Conditions without the Project

- Apply an annual growth factor to the existing traffic volumes to project them to the expected design year for completion of the proposed project.
- Add in traffic from other projects (proposed, approved, under construction or constructed but yet occupied as provided by the Town) in the area expected to add more than ten vehicles per hour to the corridor.
- Calculate intersection capacity and operational level of service at the Study Intersections for future conditions without the project.

3. Potential Impacts

- Describe typical operations at the site including number of anticipated employees, average number of patrons at other operational facilities, including bussing or other special needs and estimate peak-hour traffic generation. Rates from a similar facilities may be used to make this determination but there should be a clear link between the size of the operations/number of employees at such similar facility and the size of operations of the proposed site.
- Apply the estimated traffic volumes to the Study Intersections utilizing appropriate arrival and departure distributions for the build condition. This will include the typical school year as well as summer conditions.
- Calculate intersection capacity and operation level of service at the Study Intersections for future conditions with the Project; in the Weekday AM and PM peak hours and peak weekend hours.
- Potential for use of public transportation will be discussed
- Calculate the total number of parking spaces expected to be needed;
- Where high accident locations were identified, discuss the projected increase in traffic volumes on the movements involved and how the increase might impact traffic safety;

- Describe on-site circulation; and
- Describe proposed emergency access.

4. Proposed Mitigation

- Recommend traffic and safety improvements as required based on the analysis;
- Identify who will be responsible for funding the measures and who will be responsible for ensuring that the measures are implemented or carried out.
- Additional Mitigations as necessary. All unavoidable impacts will be identified.

I. Noise

1. Existing Conditions

- Existing noise measurements will be taken at the property boundaries. Dates and times of measurements will be provided.

2. Potential Impacts

- Major sources of noise will be identified and their potential noise levels based on manufacture specifications or noise measurements at other similar facilities;
- Overall anticipated noise generation from the proposed action will be discussed and a comparison to existing conditions will be provided; and
- A discussion of how the anticipated noise levels relate to Town or other noise regulations will be provided.

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.

J. Utilities and Solid Waste Disposal

1. Existing Conditions

- Utilities not discussed above, including gas and electric service will be discussed in terms of their availability at the project site and service providers; and
- Existing solid waste management will be discussed.

2. Potential Impacts

- Impacts to electric and gas service will be discussed including any required upgrades to service or existing infrastructure;
- Impacts of the proposed action on solid waste management.

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary, including recycling where possible. The Applicant will expand on what is available to the facilities in terms of recycling.

K. Land Use and Zoning

1. Existing Conditions

- Existing land use and zoning of the project site and within one mile will be described and presented graphically; and
- Overlay districts will be identified.

2. Potential Impacts

- Draft overlay zoning for the site will be discussed. A copy will be provided in an appendix;

- A discussion will be provided comparing setbacks and other bulk standards of the current zoning with that which is proposed.
- Consistency with the Town and County Comprehensive Plans will be addressed; and
- Discuss the relationship with surrounding land uses

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.

L. Community Services

1. Existing Conditions

- Police, Fire, Ambulance and Town Hall services will be discussed in terms of manpower, equipment and facility locations relative to the project site.

2. Potential Impacts

- Services will be contacted to discuss their possible concerns related to the project. A discussion of fire fighting needs including water storage and access will be provided.

3. Proposed Mitigation

- Any on site security will be discussed; and
- Mitigation will be proposed for identified adverse environmental impacts as necessary.

M. Fiscal Impacts

1. Existing Conditions

- Existing tax revenue for each taxing jurisdiction will be presented based on the most recent tax records.

2. Potential Impacts

- Anticipated costs and revenues will be calculated for the proposed project using the proportional valuation method or other acceptable method agreed to by the Town;
- Provide an analysis of the changes in the local economy (including hotels, restaurants, shopping, services, etc.) that would likely occur as a result of the completion of the project, including jobs not only for the proposed Action, but also for construction, maintenance, services, vendors, and other trades;

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.

N. Visual Resources

1. Existing Conditions

- Narrative and graphic description of the existing site and surrounding properties will be presented; and
- Visual resources in the area of the site will be identified. View analysis will include the following sites:
 - Terminus of Walnut Ct;
 - Intersection of Conklingtown Rd and Fort Hill Rd;
 - Active agricultural lands along Arcadia Rd.
 - Heritage Trail across from the proposed site entrance

2. Potential Impacts

- Narrative and graphic description of proposed project will be provided including physical dimensions and architectural characteristics of buildings and structures, and how they relate to visible structures in the surrounding area in terms of visibility, height, etc.;
- Portions of proposed Action which will be visible from public roads will be discussed with photo-simulation, including from the views listed above;
- Discussion of proposed site lighting (including, but not limited to, signage, security, driveway and parking lot lighting) and landscaping;
- Discussion of proposed signage (and location of signage) for uses onsite; and

3. Proposed Mitigation

- Landscaping plans, including designs at all site access points will be described and presented graphically.
- Mitigation will be proposed for identified adverse environmental impacts as necessary, including night-sky friendly lighting, and limitation of foot candles at the boundary line.

O. Cultural Resources

1. Existing Conditions

- A Phase 1A Environmental Assessment will be prepared and appended to the DEIS. This will include a discussion of the history of the use of the project site and immediate area;
- A Phase 1B will be prepared if recommended.

2. Potential Impacts

- Potential for any impact to cultural resources will be discussed.

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.

P. Agriculture

1. Existing Conditions

- Portions of the project site are located in an Agricultural District. Discuss the implications associated with this designation; and
- Discuss any agricultural history of the project site or adjacent sites.

2. Potential Impacts

- Discuss reduction in agricultural land or impacts to surrounding agricultural land; and

3. Proposed Mitigation

- Mitigation will be proposed for identified adverse environmental impacts as necessary.

Q. Air Quality

1. Existing Conditions

- Existing ambient air quality conditions within the study area based on data obtained from the NYSDEC will be described. NYSDEC data will be analyzed and compared to the National Ambient Air Quality Standards in order to characterize the existing air quality at the site.

2. Potential Impacts

- A statement and evaluation of the potential impacts shall be set forth at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence, and as otherwise necessary pursuant to the items listed at 6 NYCRR § 617.9(b)(5)(iii)(a)-(h). The effects of emissions from stationary sources at the project

site will be qualitatively assessed, and, if necessary, a screening analysis to determine the potential impacts of site generated traffic on air quality will be performed to determine whether any location should undergo a detailed microscale CO analysis. This screening analysis should follow the procedures outlined by the New York State Department of Transportation. The Applicant shall include any potential impacts from construction equipment, trucks, busses, idling vehicles, traffic entering and exiting the site, and delivery vehicles, as well as all emissions during the operation of the proposed facilities.

3. Proposed Mitigation

- Proposed and potential mitigation measures for identified adverse Environmental Impacts will be discussed. The discussion shall clearly indicate which mitigation measures have been incorporated into the plans. Unavoidable adverse Environmental Impacts will also be identified.

R. Construction Impacts

Potential Environmental Impacts anticipated due to the construction of the proposed project, phasing, if any, hours of construction operations, including noise, traffic, alternate construction traffic access to the site that will minimize the use of Town roadways, removal of soil, rocks and trees from the site, including the potential impacts (and remedial measures to be taken to correct such damage) to Town and County roadways and infrastructure from construction traffic, and the prevention of project mud and gravel from being tracked onto Town and County roadways. Estimates of the tons and truck trips necessary to accomplish the construction activities, and an itemization of the proposed construction traffic routes, and speed restrictions shall be set forth. Also, the precautions that will be taken during construction to avoid and protect wetlands shall be described in detail.

IV. Unavoidable Adverse Environmental Impacts

This section will identify and summarize those adverse environmental impacts that can be expected to occur with or without mitigation measures, and the probability of such impacts.

V. Alternatives

- A. No Action Alternative**
- B. Build Out of the Site under existing zoning**

VI: PROJECT IMPACTS ON ENERGY USE AND SOLID WASTE MANAGEMENT

This chapter will summarize the proposed project and its Environmental Impacts in terms of the use of energy and the management of solid waste produced by the proposed project. It will identify the energy sources to be used, anticipated levels of consumption and ways to reduce energy consumption.

VII. Irreversible and Irretrievable Commitment Of Resources

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

VIII. Growth Inducing Impacts

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

Technical Appendices (unless full report is in DEIS text)

1. SEQRA Documentation: EAF, DEIS Scope and Agency Correspondence;
2. SWPPP and supporting data;
3. Wetland Delineation Map and all other technical reports;
4. Site Plan (Full size);
5. Subsurface Exploration Report(s);
6. Water System Data & Supporting Technical Reports;
7. Traffic Report;
8. Wastewater Collection & Treatment System Data & Supporting Technical Reports including WAC analysis (if required by DEC);
9. Archaeological Survey: Phases 1A and 1B (if required); and
10. Fiscal data sheets.