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March 20, 2019

VIA ELECTRONIC MAIL

Village of Fayetteville
425 East Genesee Street
Fayetteville, New York 13066

Re: *Project Fayetteville Village Apartments Morgan Properties*

Dear Clerk:

Enclosed please find a Draft Scope for the Draft Environmental Impact Statement with regard to the above-referenced project.

Please call with any questions. Your courtesies are appreciated.

Sincerely,

BOND, SCHOENECK & KING, PLLC



Kathleen M. Bennett

KB/aep
Encls.

Draft Environmental Impact Statement
DRAFT SCOPE

PROJECT: Fayetteville Village Apartments
Morgan Properties
31.81 Acres

APPLICANT: Morgan Properties

LEAD AGENCY: Village of Fayetteville, NY – Village Board

Pursuant to New York State Environmental Conservation Law Article 8 (State Environmental Quality Review Act, “SEQRA”), Part 617 of Chapter 6 of the New York Code of Rules and Regulations, and the adoption of a Notice of Determination of Significance” (“Positive Declaration”) by the Village of Fayetteville Village Board of Trustees, acting as SEQRA Lead Agency in a coordinated review process, the Lead Agency intends to prepare a Draft Environmental Impact Statement (“DEIS”) for the Fayetteville Village Apartment Project (“Project”) proposed by Morgan Properties (“Morgan” or “Project Sponsor”). In accordance with SEQRA, the DEIS is required to address specific adverse environmental impacts, which can be reasonably anticipated.

Pursuant to SEQRA implementing regulations (6 NYCRR § 617.9(a)(1)), the Project Sponsor or the Lead Agency, at the Project Sponsor's option, will prepare the DEIS. As the Project Sponsor, Morgan has prepared this Draft Scoping Document. The primary goals of scoping are to focus the DEIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or nonsignificant. As a draft scoping document, the following information is contained herein (6 NYCRR § 617.8) for public and agency review:

- A brief description of the proposed action
- The potentially significant adverse impacts identified in the “Positive Declaration” and as a result of consultation with the other involved agencies and the public, including an identification of those aspects of the environmental setting that may be impacted
- The extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information
- An initial identification of mitigation measures to avoid or minimize adverse environmental impacts

- The reasonable alternatives to be considered
- An identification of the information/data that should be included in an appendix rather than the body of the DEIS

As Lead Agency, the Village Board will provide a copy of the draft Scoping Document to all involved agencies, post it on the Village's website, and make it available to any individual or interested agency that has expressed an interest in writing to the Lead Agency. Involved agencies should provide written comments reflecting their concerns, jurisdictions and informational needs sufficient to ensure that the EIS will be adequate to support their SEQRA Findings. Failure of an involved agency to participate in the scoping process will not delay completion of the final written scope. Written comments will be accepted by the Lead Agency at the address noted below from March 25, 2019 to April 16, 2019. Written comments should be forward to:

Mayor Mark Olson, Village of Fayetteville, 425 East Genesee Street, Fayetteville NY 13066
[Insert]

A Final Scoping Document will be prepared and issued by the Village Board, as SEQRA Lead Agency, which incorporates substantive comments received during the public and agency comment period. The Final Scoping Document will also identify those prominent issues that were raised during scoping and determined by the Lead Agency to be not relevant or not environmentally significant or that have been adequately addressed in prior environmental review.

All relevant issues should be raised before the issuance of a final written scope. Any agency or person raising issues after that time must provide to the Lead Agency and Project Sponsor a written statement that identifies:

- The nature of the information
- The importance and relevance of the information to a potential significant impact
- The reason(s) why the information was not identified during scoping and why it should be included at this stage of the review

The Project Sponsor may incorporate information submitted after the issuance of a final written scope into the DEIS at its discretion. Any substantive information not incorporated into the DEIS must be considered as public comment on the DEIS.

THE PROJECT

The Property is presently located in two zoning districts – Industrial-1 (I-1) along Genesee Street and Residential-1 (R-1) in the rear. Multi-family residential is prohibited in the I-1 and R-1 Districts. Morgan Properties is seeking a Rezoning Application for the development of approximately 31.81 acres of mixed use multi-family residential/commercial development including:

- Five (5) three-story apartment buildings, 30 units each (totaling 150 units)
- Ten (10) two-story townhouse style units, 5 units each (totaling 50 units)
- Four (4) two-story mixed-use buildings (maximum total of 44,000 S.F.); uses to include retail, apartment, service, restaurant or other commercial use
- A new two-way continuous left turn lane from the proposed westerly site driveway to the intersection of East Genesee Street and New York State Route 257

The Property is a well-known brownfield located in the heart of the Village of the Fayetteville. The building, which was previously used by Accurate Die Casting Corporation (“ADC”) for the production of zinc and aluminum castings, still remains – although it is in poor condition and on occasion has been used by squatters as shelter. The Property remains contaminated from the disposal of chlorinated hydrocarbons during the time it was owned and operated by ADC and is subject to an Order on Consent and Administrative Settlement (the “Consent Order”) with the New York State Department of Environmental Conservation (“NYSDEC”). The Consent Order requires indefinite pump and treat obligations, soil vapor intrusion monitoring and the imposition of restrictive covenants to limit potential future uses of the Property to commercial and industrial without the express written waiver of the NYSDEC (the “Restrictive Covenants”).

To encourage redevelopment of the Property, the owner applied for acceptance into the Brownfield Cleanup Program (“BCP”). On June 1, 2015, NYSDEC approved the BCP application and executed the BCP Agreement.

POTENTIALLY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS

During the Lead Agency Coordination, Notice of Determination, and Scoping processes, potentially significant adverse environmental impacts were identified including both short-term, construction related activities, and long-term impacts associated with the operation of the proposed project. The DEIS shall include a discussion of these potential impacts by topic. In accordance with Section 617.9(b) of the SEQRA regulations, the evaluation of potential adverse environmental impacts shall consist of relevant and material facts on the project’s potential significant adverse environmental impacts. The DEIS shall be analytical, but not encyclopedic. Pertinent data and conclusions that originate from other technical studies, reports or calculations need only be summarized in the DEIS with a reference to the source of such data or conclusions.

This section shall summarize those impacts, which are considered to have a significant effect on the environment. This section shall identify and summarize both adverse and positive impacts.

A. Construction and Operation

The proposed action will involve multiple phases. This section shall identify the proposed schedule for construction of the onsite and offsite improvements for the project, as well as a discussion of any proposed project phasing including the particular facilities, infrastructure improvements and amenities that will be developed during each phase and maintenance responsibilities.

A description of construction methods will be presented that identifies any and all noise impacts, any need for blasting, and any need for asbestos containment and remediation during the demolition phase will also be provided.

The process and plan under the Brownfield Cleanup Program, particularly for the circumstance where the NYSDEC requires excavation and removal of contaminated soil will be clarified. The Brownfield Cleanup Program provides for risk based cleanup of contaminated sites. In other words, the amount of cleanup is tied to the intended future use of the site. Here, the Applicant is proposing to redevelop the site for restricted residential purposes consistent with a "Track 4 approach." A supplemental investigation will be undertaken, and once the project receives local approvals, a site remedy and remedial action work plan will be prepared and submitted to NYSDEC for its review and approval. A more detailed explanation of these steps can be found on pages 13-15 of the Citizen Participation Plan for the Former Accurate Die Casting Site dated September 2015, which will be included.

Permitted construction hours, access for construction vehicles, storage of equipment and materials will also be discussed. The amount of imported or exported material, coordination with peak hour traffic and maintenance and protection of traffic plans in the proposed project site and on all public highways bordering the site will also be provided.

B. Surface Water

The proposed action would result in significant impacts related to erosion.

A description of the stormwater drainage patterns, surface water bodies and floodplains should be outlined in this section. This would include an identification and size of the Bishop Brook watershed area draining through the site including water quality and a description of ultimate disposition of the surface water from the site. All discharge points and downstream receiving waters shall be identified.

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. Projections shall be made of the existing annual average stormwater pollutant loads leaving the site using NYSDEC recommended rates.

C. Transportation

This section will provide a discussion of multimodal transportation for the project and project area. The discussion of multimodal transportation will include vehicular traffic, public transit, pedestrian and bicycle traffic.

Background (existing) traffic volumes and patterns around the project area will be presented. A traffic impact analysis has been prepared for the project, which will be included as an appendix to the DEIS. The scope of this analysis was determined through meetings with the applicant, the applicant's traffic engineers and NYSDOT. The core study area for the traffic assessment shall be defined by the following intersections:

- East Genesee Street (NY Route 5) at Manlius Street (NY Route 257);
- Salt Springs Road;
- Existing Tracy Lumber driveways;
- Existing US Post Office Egress Driveway;
- NY Route 257 & Salt Springs Road; and
- Proposed site access driveways

The following items shall also be addressed in a further traffic study:

- Construction in multiple phases

D. Land Use and Zoning

This section shall identify the existing land uses and current zoning on the site and surrounding parcels. Permitted uses consistent with the current zoning of the site shall be listed. A plan for development of the site consistent with the current industrial zoning. This section shall also summarize land use recommendations for the project site as contained in the Village of Fayetteville Comprehensive Plan, and all other local and regional planning documents. A description of the overall neighborhood character surrounding the project site will also be provided.

E. Community Services

This section should include the availability and/or capacity of each of the services listed below, including the jurisdictional agency of each service noted:

1. Water Service;
2. Sanitary Sewer Service – discuss the capacity and limitations, if any, of the existing sewers and/or treatment plants;
3. Private Utilities;
4. Police Service;
5. Fire Service;
6. Ambulance Service;
7. Educational Services;
8. Health Care Services;
9. Available sidewalks;
10. Available pedestrian and bicycle trails; and
11. Proximity of daycare.

F. Visual Resources

This section should present and describe the existing views of the site from vantage points along East Genesee Street, Cashin Drive neighborhood, Camelot Lane and Green Lakes State Park. Discussion of lighting in the project area, type, height, color and spill.

G. Energy

This section will described the existing energy capacity and will be served by National Grid.

H. Noise/Odor

The existing/ambient noise in the project area shall be identified and discussed. Predominant noise generators and sensitive noise receptors shall be identified and characterized. Odor generations in the area to be discussed under Environmental Impact Mitigation.

MITIGATION MEASURES

This section shall also identify available mitigation measures for all adverse impacts previously identified in the same order as they are presented in the immediately preceding Environmental Setting Section and include any significant impacts on the environmental assets identified therein. Specifically, this section will be formatted as follows:

A. Construction

This section shall contain a quantitative evaluation of all temporary construction-related impacts including noise, dust and soil erosion control measures. Emphasis shall be placed on impacts to residents in adjacent and nearby residences. Suitable mitigation measures shall be recommended to minimize construction impacts. Construction related traffic impacts and mitigation shall also be addressed. Disposal of construction waste/spoils will also be addressed

This section shall include a conceptual plan. A discussion of the storage and re-deposition of site topsoil shall be included. The suitability of the site soils and subsurface conditions to support the planned use, including structural support, utility installation and the potential for stormwater infiltration, shall be evaluated. "Remedial" grading issues to mitigate soils that are contaminated and need to be removed and replaced, shall be identified.

This section shall also include a detailed discussion of soil erosion control measures and construction in slopes exceeding 15%, which will be taken to

avoid discharge of sediment to downstream receiving waters. These measures shall be in compliance current Federal, State and local stormwater and erosion control guidelines. Construction in multiple phases will need to address stabilization limits for phases.

B. Surface Waters/Stormwater Management

This section shall contain projections of the post-development peak flow rates and total runoff volumes from the site for the 1, 2, 10, 25, and 100 year, 24 hour storm events as well as the annual average post-development stormwater pollutant loads. The effect of any proposed mitigation measures shall be estimated and compliance shown with both the Village Code regarding drainage and the NYSDEC guidelines on stormwater management and the most recent SPDES General Permit.

All development areas located within designated floodways and/or 100 year flood plain areas shall be identified and suitable mitigation measures proposed, if necessary.

The discharge of stormwater to these regulated areas 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.

This section shall also evaluate:

- The compliance of the proposed project per Village of Fayetteville Code and the latest NYSDEC General Construction Permit;
- The installation of green infrastructure including documentation supporting the operation of these improvements;
- Anticipated discharges expected to be generated during demolition and construction; and
- Impact of multiple phases on stormwater mitigation.
- Use of herbicides and pesticides on the site and potential impact to wetlands and Bishops Brook shall be discussed.

C. Transportation

This section will provide a comprehensive overview of the completed traffic impact analysis as originally scoped by NYS Department of Transportation and SRF Associates. The entire report will be included as an appendix to the DEIS.

The traffic study must compare the project site/study area to the following multiple development scenarios:

- Existing conditions;

- Background Conditions without the project;
- Full buildout as proposed;
- Other alternative combinations of proposed development uses;
- Full buildout in accordance with current zoning.

Identification of the offsite impacts and required mitigation shall be identified and discussed._____.

A subsection on the anticipated increase in truck and/or delivery traffic will also be provided.

Impact of multiple phasing construction vehicles.

D. Land Use and Zoning

This section shall include an analysis of the potential impact to land uses and development patterns on the surrounding lands, including the potential impacts on land use mix and land use intensity.

Consistency of the proposed project should be demonstrated with the Village of Fayetteville Comprehensive Plan, as well as with all other state and local planning documents. Impacts and mitigation for compliance with the Comprehensive Plan shall be discussed.

This section will also address:

1. How the project has been developed to substantively reduce impervious surface and include more parking lot landscaping;
2. If the applicant is considering utilizing green infrastructure practices such as green roofs and porous pavements to control the stormwater generated by the proposed development; and
3. How the proposed project is consistent with Climate Smart Community guidelines.

This section will also evaluate potential impacts resulting from commercial truck deliveries, snowplowing operations, refuse removal, odors and other operations that can have a potential adverse impact on residents.

An analysis of the lighting proposed at the project site to ensure that the proposed lighting does not cause adverse effects on the adjacent residential neighborhoods during night time hours.

E. Community Services

This section will discuss impact/mitigation of community services including police, fire, schools, daycare.

F. Visual Resources

This section shall present discussion and/or renderings, cross sectional profiles or computer-modified photographs, the visual appearance of the site after development, as related to the locations listed in Section F above. It will also discuss the lack of similar projects within five (5) miles and the impact of project lighting, including lighting details, levels, spills and dark sky compliance.

G. Energy

This section will analyze and discuss energy demand of the project and the ability of the provider, National Grid.

H. Noise/Odor

Impacts to the existing noise levels due to the proposed development shall be evaluated, and an assessment made of the effect of the increased noise on any sensitive receptors identified in Section H above, and any mitigation measures. More specifically an evaluation of potential noise impacts resulting from delivery trucks, snow plowing, refuse removal and routine operations of the facilities on the neighborhoods will be provided. Impact of restaurants on odor in the area and mitigation measures.

Any special construction methods and/or other mitigation measures to address noise and odor shall be evaluated.

UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

The DEIS will summarize unavoidable adverse environmental impacts; these are impacts that cannot be avoided or fully mitigated. Both short- and long-term impacts will be identified.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The DEIS will summarize the natural and human resources that will be consumed, converted, or made unavailable for future use by the proposed project.

Construction

- Commitment of previously developed land
- Commitment of resources (e.g., building materials)

Operation

- Commitment of infrastructure (e.g., water, sewer, police/fire protection, electricity, natural gas, transportation network, solid waste management)
- Commitment of workforce

GROWTH INDUCING ASPECTS

While growth-inducing effects (economic and social) of the project may be beneficial to the region, induced growth may also be the prime source or cause of secondary environmental impacts. The growth inducement section of the DEIS will describe any further development, which the proposed action may support or encourage, such as:

- Attracting increases in local population
- Providing support facilities or services
- Increasing the development potential of the surrounding area

The growth inducement section of the DEIS will rely on growth projections/predictions, which are based on available information. The purpose of the discussion of growth inducement in the DEIS is to enable Involved Agencies to reach findings concerning both positive and negative effects of induced growth in the area of the proposed project.

REASONABLE ALTERNATIVES

Considering the objectives and the capabilities of Morgan, a description and evaluation of reasonable project alternatives will be included in the DEIS. In addition to the required “no action” alternative, the DEIS will discuss:

- Alternative sites
- Alternative scale/magnitude
- Alternative design
- Alternative timing

Under the “no action” alternative, the property would remain contaminated and undeveloped representing a blight on the character of the community.

IRRELEVANT OR NON-SIGNIFICANT ISSUES OR IMPACTS

In accordance with SEQRA implementing regulations (6 NYCRR 617.8(f)(7)), the following issues were determined not to be relevant or environmentally significant to the SEQRA process for this project (see EAF Part 2 – Identification of Potential Project Impacts):

- Impacts to Geological Features (e.g., cliffs, dunes, minerals, fossils, caves)
- Impacts on Surface Water
- Impacts on Ground Water
- Impacts on Flooding
- Impacts on Air
- Impacts on Agricultural Resources
- Impacts on historic and archeological resources
- Impacts on Open Space and Recreation
- Impact on Critical Environmental Areas (<http://www.dec.ny.gov/permits/6184.html>)

APPENDICES

This should include all supporting maps, reports, documents, exhibits and correspondence, including, but not limited to:

- Traffic Impact Study
- Stormwater Management
- Wetland Delineation
- Brownfield Reports

ELEMENTS OF THE DEIS

The following Scope is intended to provide specific direction on the preparation of the DEIS for the referenced project.

II. Cover Sheet

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

III. Table of Contents

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

IV. Executive Summary

The Summary section of the DEIS shall contain:

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

V. Description of the Proposed Action

- 1.1. Project Description
 - 1.1.1 Project Purpose (Public Need and Benefit)
 - 1.1.2 Background and History
 - 1.1.3 Project Location
 - 1.1.4 Conceptual Design
 - 1.1.4.1 Facilities
 - 1.1.4.2 Access/Egress
 - 1.1.4.3 Infrastructure
 - 1.1.4.4 Storm Water Management
 - 1.1.5 Construction Activities
 - 1.1.6 Operation and Maintenance Requirements
 - 1.1.7 Project Schedule (including phasing)
- 1.2. Regulatory Review and Approvals
 - 1.2.1 State Environmental Quality Review Act (“SEQRA”)
 - 1.2.2 Permits and Approvals
 - 1.2.3 New York State Executive Orders and Policies

Chapter 2: Alternatives Considered

- 2.1. Purpose
- 2.2. No Action Alternative
- 2.3. Alternative Sites
- 2.4. Alternative Scale/Magnitude
- 2.5. Alternative Design
- 2.6. Alternative Timing

Chapter 3: Environmental Setting, Impacts, and Mitigation

3.#. – *Applicable Environmental Topic (The following environmental topics will be included in the Draft EIS: Construction, Surface Water, Visual/Aesthetic Resources (including Light), Transportation, Energy, Noise & Odor, Human Health, Community Character and Plans, Community Services. For each topic, the following narrative will be provided:*

- 3.#.1. Existing Conditions
- 3.#.2. Potential Impacts
- 3.#.3. Mitigation Measures

Chapter 4: Effects on the Use and Conservation of Energy

Chapter 5: Cumulative Impacts

Chapter 6: Unavoidable Adverse Environmental Impacts

Chapter 7: Irreversible and Irrecoverable Commitment of Resources

Chapter 8: Growth Inducing Aspects

References

Appendices