

2.0 DESCRIPTION OF PROPOSED ACTION COMMENTS AND RESPONSES

Comment 2-1 (Letter #1 Ralph P. Peragine, P.E., Stephan A. Maffia, P.E., Jay Snyder, and Anthony Agresti, TRC Engineers, Inc., March 4, 2009): The applicable U.S. Army Corps of Engineers ("ACOE") Nationwide Permit number should be identified and whether or not pre-construction notification is required.

***Response 2-1:** With regard to permits and approvals, the Applicant filed a joint permit application on October 16, 2008 - the New York State Department of Environmental Conservation Application is identified as No. 3-3999-00014/00001. The project would disturb no more than 0.03 acres of the ACOE and NYSDEC regulated wetland to install a drainage pipe that would discharge to Minisceongo Creek - see Drawing 3 of 4 of the concept plan set attached to this FSEIS. With regard to ACOE permitting, the activity would qualify under Nationwide Permit 43, Stormwater Management Activities. A pre-construction notification is required.*

Comment 2-2 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009 and Town of Haverstraw Public Hearing March 4, 2009): The proposed development requires 1,693 parking spaces. (254,000 sf / 150 sf.)

***Response 2-2:** Retail development in the Town of Haverstraw requires a minimum one (1) parking space per 150 square feet of gross floor area (see Table of General Use Requirements, "C" District, Column 7, of the Haverstraw Zoning Law). Using this standard, the 254,000 square feet of commercial space in the Town of Haverstraw requires a minimum of 1,693 parking spaces. The Applicant has revised the concept plan to include 1,026 parking spaces, meeting a parking requirement of 4 parking spaces per 1,000 square feet of gross floor area. A variance from the Haverstraw Zoning Board of Appeals will be pursued to allow a reduction in the total number of parking spaces required for commercial uses.*

The Urban Land Institute published a report entitled "Parking Requirements for Shopping Centers - Summary Recommendations and Research Study Report" (1999). The recommended parking ratio for centers with less than 400,000 square feet is 4.0 spaces per 1,000 square feet of gross leasable area ("gla"). For shopping centers, "leasable area" is typically less than the gross floor area of the center. The ratio of the leasable area to the gross floor area will depend on the specific retailer. As stated in the ULI report, these are parking requirements for centers with minimal restaurant, entertainment and cinema space. The study found that the average supply for shopping centers less than 400,000 square feet gla was 5.8 parking spaces - this compared with a demand of 3.7 parking spaces per 1,000 sf gla. The proposed project would meet or exceed the requirements being promulgated by the Urban Land Institute for shopping centers of a comparable size. The applicant proposes to adhere to a minimum parking requirement of one parking space per 1,000 square feet of gross floor area. Using the Urban Land Institute's recommended standard, the 254,000 square feet of commercial space should be provided 1,016 parking spaces - 1,026 parking spaces are shown on the concept plan.

The applicant asserts that the 254,000 square feet of commercial space represents a worst-case analysis that is intended to illustrate maximum buildout of the project site illustrating the maximum of amount of retail space and minimum amount of parking required to meet the parking demand for 254,000 square feet of gross floor area in the

Description of Proposed Action

November 20, 2009

Town of Haverstraw. At this time, the applicant proposes only those retail uses that are consistent with the uses listed in Column 2, Use No. 3, identified in the Table of General Use Requirements for the "C" Commercial District. Theaters and restaurants, uses that are not presently being requested at this time, fall under a separate use category in the C district (Column 2, Use No. 1 - Commercial recreational establishments) and would have to adhere to a parking standard that is different than that required for retail uses. The applicant's proposed parking standard, one parking space per 1,000 square feet of gross floor area, is understood to be the minimum standard acceptable to the Haverstraw Planning Board for retail uses. Ultimately, the necessary and requisite number of parking spaces will be evaluated and determined at the time that a site-specific development proposal is advanced.

Comment 2-3 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009 and Town of Haverstraw Public Hearing March 4, 2009): The applicant is proposing 967 parking spaces, 730 less than required by the zoning ordinance.

Response 2-3: Refer to Response 2-2 above. As shown on the concept plan submitted with this FSEIS, 1,026 parking spaces are shown that are dedicated to serving the Haverstraw commercial uses.

Comment 2-4 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009 and Town of Haverstraw Public Hearing March 4, 2009): The applicant is also proposing a shortfall of required parking for the residential and commercial uses located in the Town of Ramapo.

Response 2-4: Refer to Table 2-1 below. The parking spaces provided for commercial building F in the Town of Ramapo does not meet the parking standards required as per the MU-2 zoning district - a variance is required. Within the MU-2 zoning district, two (2) parking spaces are required per dwelling unit for the multifamily development, plus visitor parking spaces, the number of which are to be determined by the Planning Board. A total of 425 parking spaces have been provided for the residential development, meeting the minimum parking requirement for multifamily dwellings. An additional 25 parking spaces have been provided for visitor parking. Of this total, 52 parking spaces would be located in the Town of Haverstraw.

Table 2-1 Compliance with Parking Requirements		
	Required	Provided
Town of Ramapo		
Building C - Specialty Food Restaurant (1,500 sf, 10 seats)	1 space per 1.5 seats' capacity = 7	10
Building D - Bank (4,000 sf)	1 space per 200 square feet of floor area = 20	23*
Building E - Specialty Food Restaurant (3,350 square feet/72 seats)	1 space per 1.5 seats' capacity = 48	46*
Building F - Family Restaurant (8,000 sf/225 seats)	1 space per 1.5 seats' capacity = 150	70 - requires variance
Multifamily dwellings (200 dwellings)	2 spaces per dwelling unit, visitor parking as determined by the planning board. = 400 + visitor spaces to be determined by the Planning Board.	425 (of which 52 spaces are in Haverstraw)
Town of Haverstraw		
Building A (30,000 sf gfa)	1 space per 150 sf gfa = 200	1,026 parking spaces - requires variance
Building B (224,000 sf gfa)	1 space per 150 gfa = 1,493	
Total SF gfa = 254,000	Total - 1,683 parking spaces	
Source : Town of Ramapo Zoning Law; Atzl, Scatassa, Zigler, P.C. * The parking spaces in the area serving Buildings D and E total 69. The combined demand for parking is 69, meeting the Ramapo parking requirements.		

Comment 2-5 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009 and Town of Haverstraw Public Hearing March 4, 2009): The general lack of parking throughout the entire proposal could significantly affect the available parking for the commercial uses located in the Town of Haverstraw.

Response 2-5: See Responses 2-3 and 2-4 above. It is the Applicant's opinion that the current parking standard for commercial uses in the Town of Haverstraw is outdated and results in the construction of excessive parking and associated impervious surface coverage. The Applicant will seek a variance to vary the minimum number of parking spaces required for commercial uses in the Town of Haverstraw. It is noted that the FSEIS examines a maximum commercial buildout of 254,000 square feet of gross floor area in the Town of Haverstraw. The Planning Board will determine the requisite number of parking spaces during review of a tenant-specific site plan. Depending on parking need and demand, the total gross floor area may be reduced to ensure that adequate parking is provided. Within the Town of Ramapo, an area variance will be required from the parking requirements for Building F.

Comment 2-6 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009 and Town of Haverstraw Public Hearing March 4, 2009): There are 109 parking spaces located to the rear of Building A and B. There is concern whether customers would feel comfortable utilizing parking located in the rear, far from the building entrances and adjacent to the loading docks.

Response 2-6: A total of 168 parking spaces have been provided to the rear of Buildings A and B. The Findings Statement for the Minisceongo Park development will require that employees use these rear parking spaces in order to maximize customer parking available in front of the building. These spaces can also be used for merchandise pick up and for shift turnover during working hours.

Technical Paper 5, Parking Lots, prepared by the University of Connecticut Cooperative Extension, recommends as follows:

“Where parking lots are a requirement of commercial or industrial use, they could be placed at the rear of the building served. Rear parking reduces potential conflicts of cars crossing sidewalks at many points. The City of Fort Collins, Colorado, in a effort to reduce the overall large scale of paved surfaces associated with big box retail development, requires that no more than 50 percent of the parking be located between the principle building and the primary abutting street. By distributing parking around a large building, walking distances from cars to the store are reduced.”

Similarly, a recent paper prepared by Midwest Environmental Advocates, Inc., a nonprofit environmental law center, recommends that parking lots be distributed around a building - see Big-Box Ordinance and Conditional Use permit (CUP) Tool-Kit (2007).

Comment 2-7 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009): All of the parking spaces are proposed to be 9' x 18'. Due to the nature of big box commercial development, there is high turnover of cars, which tends to lend itself to requiring larger spaces. In addition, shopping carts are sometimes used between cars to put goods in a customer's car from the side doors instead of the trunk.

Response 2-7: *A minimum parking stall width of nine feet is a conventional requirement in many zoning laws. As per an article entitled “Turning Your Parking Lot into a Pot o’ Gold” by Hermann J. Kircher of Kircher Research Associates, the “standard size car stall measures 9 x 18 feet”. In another publication, “Model Zoning Regulations for Parking for Northwestern Connecticut” published in 2003, the model zoning regulations recommend a minimum parking stall size of 9 feet by 18 feet. Nonpoint Education for Municipal Officials (NEMO) Technical Paper Number 5 recommends that parking stall sizes be decreased to reduce the amount of impervious surface area associated with parking lots. A 10' by 20' parking space results in 200 square feet of impervious surface area; a 9' by 19' space results in 171 square feet of impervious surface area, or a 15 percent decrease in impervious surface area.*

The parking space dimensions for the proposed commercial development within the Town of Haverstraw would be 9 feet x 19 feet - this dimension does not meet the Town of Haverstraw zoning law which requires a minimum dimension of 10 feet by 20 feet as per Section 167-68.F of the Haverstraw zoning law. The modified site plan attached to this FSEIS increases the length of the previous parking space dimension by one foot - from 9 feet by 18 feet to 9 feet by 19 feet. The Applicant will request a variance from said section. Based on a review of other zoning and site plan regulations for communities in Rockland County, a 9-foot wide space is allowed in the Town of Stony Point, Village of Spring Valley, Town of Ramapo, and the Town of Orangetown.

With regard to the Town of Ramapo parking standards, Section 376-71B requires a minimum parking stall width of nine feet; a standard for length is not provided. Proposed parking design in the Town of Ramapo conforms to zoning requirements.

Comment 2-8 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009): The conceptual plan does not identify areas for shopping cart collection.

Response 2-8: *The revised plan set indicates areas for carts if required by tenants of commercial buildings A and B. These cart areas are in addition to the 1,026 parking spaces being provided for the retail uses in the Haverstraw portion of the project site. See the attached revised concept plan.*

Comment 2-9 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009): The aisle width between parking stalls is 24', whereas 25' is required.

Response 2-9: *The aisle widths meet Town of Haverstraw and Ramapo standards. The aisle widths in the Town of Ramapo are 24 feet and in the Town of Haverstraw are 25 feet as per the concept plan. The Town of Ramapo code (§376-72 (A)) states:*

"Access. Unobstructed access to and from a street shall be provided for nonresidential uses. Such access shall consist of at least one twelve-foot lane for parking areas with twenty or fewer spaces and at least two twelve-foot lanes for parking areas with over 20 spaces. Access to roads shall include adequate turnaround area to preclude the need for backing out onto the road right-of-way."

The Town of Haverstraw zoning law states (§167-68(F)):

"...The aisle distance separation for back-to-back spaces shall be 25 feet. Entrances and exit roadways shall not be computed as parking spaces."

Comment 2-10 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009): The plan should identify which parking is designated for each building, at least generally.

Response 2-10: *As shown on the concept plan, Buildings D and E will share a parking area and Building F maintains its own parking area. Building C requires 10 parking spaces - these include the four handicapped spaces in front of the building as well as six spaces immediately to the west. The remainder of the parking spaces within the loop road around Buildings A and B, or 1,026 parking spaces, would be for use by customers of those tenants.*

Comment 2-11 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009): The collective sum of all of these issues with regards to the proposed parking shows that the proposed development is too intense for the site.

Response 2-11: *Within the Town of Ramapo, the parking supply meets the zoning requirements for the uses proposed to be located there. In the Town of Haverstraw, there are 1,026 parking spaces to accommodate up to 254,000 square feet of gross floor area. It is the applicant's contention as set forth in response to Comment 2-2 above, that the current Town of Haverstraw parking requirement is inconsistent with current recommended design standards for parking lots associated with shopping centers. The recommended standard is 3.7-4 parking spaces per 1,000 square feet of gross leasable area. Using this range, a minimum of 940 to 1,016 parking spaces would be required. The proposed 1,026 parking spaces in the Town of Haverstraw meets current parking capacity requirements promulgated by a variety of organizations, but does not meet current Town of Haverstraw parking requirements. The Applicant will request a variance from the minimum parking space requirements for Haverstraw.*

Comment 2-12 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009): Loading dock #4 may be difficult to access due to location or parking island located to the west.

Response 2-12: As shown on the revised concept plan, the landscaped island to the west of dock 4 has been reduced in size to improve truck movements.

Comment 2-13 (Letter #2 Kauker & Kauker, LLC - Haverstraw Planning Consultant, March 4, 2009): From the planning and zoning standpoint the SEIS and the subsequent amendments provide all the information necessary to move forward reviewing the application. Much more detailed analysis will take place once an actual site plan is submitted and will be addressed during the site plan review stage.

Response 2-13: Comment noted.

Comment 2-14 (Letter #3 County of Rockland Sewer District No. 1, March 9, 2009): Section 2.5.1 - Reviews, Permits, and Approvals - does not include the Town of Ramapo Department of Public Works and the appropriate Town of Haverstraw agency for permits that would be required for new sewer construction. Section 2.5.2 - Involved and Interested Agencies - also does not include them.

Response 2-14: The Town of Ramapo Department of Public Works and the Joint Regional Sewer Board are now listed as involved agencies in Section 1.0 of this FSEIS as permits would be required from both agencies for sewer construction.

Comment 2-15 (Letter #3 County of Rockland Sewer District No. 1, March 9, 2009): The District had an eight-inch (8") sewer main in Comment 1a constructed across Route 202 for the benefit of Tax Lot 33.06-1-1, on condition that the property owner reimburse the District fifty-one thousand dollars (\$51,000.00) for the lump sum construction cost. However, the District has not received payment for the sewer extension to date. As a condition of permitting this development to connect to the District's facilities, we require payment for the sewer extension.

Response 2-15: The Applicant has agreed to pay the district the fifty-one thousand dollars (\$51,000) that is owed to the District to reimburse it for the eight-inch (8") sewer main that was constructed to benefit tax lot 33.06-1-1.

Comment 2-16 (Letter #3 County of Rockland Sewer District No. 1, March 9, 2009): Details for the sanitary sewer connections are subject to approval by the Town of Ramapo and the Town of Haverstraw in their respective jurisdictions.

Response 2-16: Agreed.

Comment 2-17 (Letter #4 Frederick P. Clark Associates, Inc., March 13, 2009): The residential component appears to provide parking in the Haverstraw portion of the lot. This would require approval by both Haverstraw and Ramapo. Ramapo permits parking to be provided on adjacent lots.

Response 2-17: Comment noted. A total of 425 parking spaces has been provided for the multifamily dwelling complex, of which 52 spaces would be situated in the Town of Haverstraw. Site plan approval for the development in the Town of Ramapo will be

conditioned on the provision of 52 parking spaces in the Town of Haverstraw to meet residential parking demand.

Comment 2-18 (Letter #4 Frederick P. Clark Associates, Inc., March 13, 2009): The development coverage is listed as 64%, but appears much higher. The development looks like buildings and parking lots with little open space or recreational amenities. A better design for the residential complex would incorporate a clubhouse and active recreation areas. One would expect such facilities for far smaller developments. This office is leaning towards the conclusion that there is just too much on a parcel as constrained as this one.

Response 2-18: *Since this comment was issued, the total number of dwelling units has been reduced from 219 to 200 dwelling units. A 9,000 square foot recreation area is now shown on the site plan. The exact recreational component will be determined during Town of Ramapo site plan review.*

Comment 2-19 (Town of Haverstraw Public Hearing March 4, 2009): MR. CREPLIS: Jeff Creplis (phonetic.) 1581 Route 202, Pomona. At the last meeting I attended on this, there was retail space discussed of 60,000 square feet. Forgive me if I'm asking the question the wrong way, but how did it get from 60,000 to over or close to 300,000?....

And the pad at 224,000 square feet, is that set that it will be on spot?....

And wouldn't that affect traffic flow with the trucks coming in and out?

Response 2-19: *The accepted 2006 DEIS proposed a total of 279 multifamily and single-family attached dwellings in the Towns of Ramapo and Haverstraw and 11,200 square feet of commercial space in Ramapo. As the Town of Haverstraw was not in favor of a zone change for the "C" zoned portion of the property, the Applicant is now proposing 254,000 square feet of commercial space in Haverstraw. The SEIS examined the impacts associated with this revised development, including traffic impacts.*

Comment 2-20 (Town of Haverstraw Public Hearing March 4, 2009): MR. CREPLIS: Another question regarding the size of the footprint lends one to believe it could be some sort of a super store, a box store. You've given a great deal of thought to pollution and run-off and how you're going to treat that? I mean. I'll use the worst case scenario as you did, a Walmart where they store a great deal of merchandise outdoors. Rain water causes damage to the environment from the fertilizers and gardening implements they keep outside. I mean that was a big case with the Walmart that was under discussion in Monsey a number of years back.

Response 2-20: *The tenants for the proposed project are unknown. Based on the size and configuration of the layout, it is anticipated that a "big box" retailer would be accommodated at the site. Potential impacts associated with stormwater runoff, including potential water quality impacts, have been addressed through preparation of a Stormwater Pollution Prevention Plan. During site-specific plan review, additional measures may be incorporated into the design, if required, to further protect adjacent streams from activities that may be conducted by the future tenants.*

Comment 2-21 (Letter #5 Town of Ramapo Department of Public Works, March 2, 2009): A complete set of plans must be provided to us for our review.

Response 2-21: *A concept plan is attached to this document for SEQRA review.*

Comment 2-22 (Letter #5 Town of Ramapo Department of Public Works, March 2, 2009):

MU-2 is Mixed Use (Residential and up to 50% commercial). A number of places in the report refer to it as Mixed Use Highway. It should be corrected.

***Response 2-22:** Comment noted. The Town of Ramapo Building Department and the Town's planning consultant, Frederick P. Clark Associates, were contacted with regard to the appropriate name for the zoning district. The Town of Ramapo zoning map, dated December 23, 2004, identifies the zone as "MU2 Mixed Use Highway". Section 376-20, Districts established, of the zoning law, identifies the district as "MU-2 Mixed Use (Residential and up to 50% commercial)". The Town's representatives expressed no preference in how the district is named, acknowledging that an inconsistency in the name of the MU-2 zone exists in the zoning regulations. For purposes of this FSEIS, the reference to the zoning district Mixed Use Highway shall be changed to MU-2 throughout this document.*

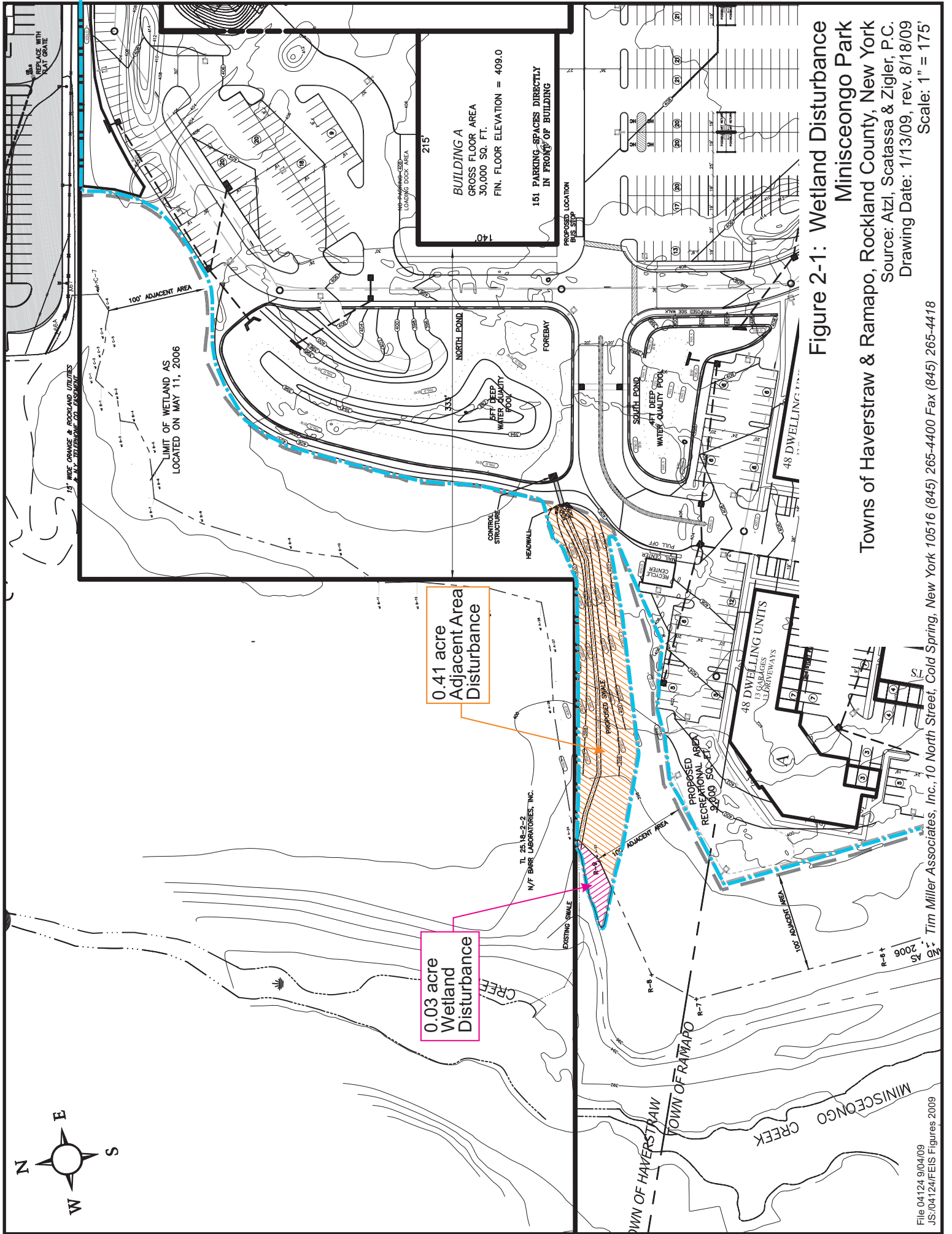


Figure 2-1: Wetland Disturbance
Minisceongo Park
 Towns of Haverstraw & Ramapo, Rockland County, New York
 Source: Atzl, Scatassa & Zigler, P.C.
 Drawing Date: 1/13/09, rev. 8/18/09
 Scale: 1" = 175'