

Appendix A

Public Hearing Minutes
and Comment letters

June 9, 1909

Supervisor St. Lawrence and members of the Town Board;

Last night, (6/8), I resisted my urge to address you publicly because I felt that what I had to say may have embarrassed you. Somehow, I feel like I get to see you people more than my family. But, that's O.K., they don't listen to me either!

Last Thursday I referred to issues like the quality of life and population density. Now I would like to address two other issues: perception and misperception. As to misperceptions, there were several. The first misperception was yours, Supervisor St. Lawrence, when you indicated to James Walsh, of the Journal News, that judging by the attendance there was a declining interest in this project. Nothing could be further from the truth! My wife and I have been fighting this project for seven years and we are prepared to fight it for another seven years, as are our friends and neighbors. Your misperception may have been caused by the venue in which this hearing was being conducted and that many of our spokespeople had to attend the Democratic Committee meeting in New City.

2.0-11

Another misperception was that there were only twice as many people speaking against this project. You must be aware that those few poor souls who expressed support for the project were so obviously solicited, (perhaps even paid), by the builder and his agents, that it was embarrassing. In addition, some of them didn't even live in Ramapo, or anywhere near the Patrick Farm. And then, Supervisor St. Lawrence, you are quoted as saying; "...that it's a much better project." Better than what? And better for whom? It almost sounds like you have already made a decision to grant this variance. I pray not.

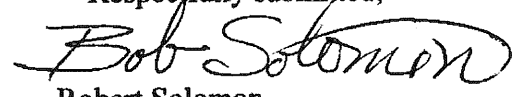
2.0-12

2.0-13

Now I would like to turn to perceptions. You should all be aware by now that you are perceived by the members of this community, as well as the rest of Rockland County, as being in this builder's pocket. That is to say, that he owns you. Or, that you owe him some thing. (Notice that I do not refer to this person as a "developer", for in my mind he is a destroyer.) Further, there is a perception that you all owe your positions of office to that insidious and corrupt entity called "the block vote".

If any of the things I have said are true then this letter will mean nothing to you. If not, you have the ideal opportunity correct your image. JUST SAY NO!

Respectfully submitted,



Robert Solomon
28 Scenic Dr.
Suffern, NY 10901

TOWN OF RAMAPO
TOWN CLERK'S OFFICE
2009 JUN 10 P 1:17

June 30, 2009

LETTER # 2

Supervisor & Town Board

I have spoken many times on the subject of the comprehensive plan and the [redacted] but unfortunately I have not been heard. Today's decisions are of such great importance, to be sure I am heard, I bring with me a man who was the first to preserve parks and recreational spaces, promoted the conservation movement, emphasized efficient use of natural resources. He was a naturalist, a historian an explorer.

He appears thru a quote taken from one of the national parks. "In the Grand Canyon, Arizona has a natural wonder which, so far as I know is in its kind absolutely unparalleled... Leave it as it is. You couldn't improve on it and man can only mar it. What you can do is keep it for your children, your children's children and for all those who come after you... Theodore Roosevelt.

3.9-5

Although the quote refers to one of the most majestic natural wonders, the Grand Canyon, the advice given is easily applied to the Patrick Farm. The comparison is justified in terms of what the Patrick Farm represents to Ramapo. It's natural beauty was inspiration to John Patrick, the author of 'Teahouse of the August Moon, it represents nature, open spaces, freedom, and most importantly a barrier to the destruction the builders bring to ramapo.

I know change must occur, unfortunately I do expect change to occur in the 200 acres comprising the Patrick Farm. The original zoning allowed 1 house to be built on 2 acres. This changed to 1 acre zoning. Now the builders are requesting a zone change for multi-family housing. Traffic signs in mid- man. and 5th av read; "don't even think of parking here" - that is what is say for the request of a zone change to multi-family housing - not to be considered. The builder is by nature greedy. Give them what they want - soon they will ask for more - variances and variances, where will the Patrick farm be and it's impact on all surrounding areas in ramapo?

3.4-2AA

How fortunate that Theodore Roosevelt had the insight to protect Grand Canyon. Listen to him, his quote is from 1903, his message has withstood time. Protect our natural resources. I ask you to protect the Patrick Farm from overdevelopment.

*Sincerely yours,
Sandia Solomon*

TOWN OF RAMAPO
TOWN CLERK'S OFFICE
2009 JUL -2 A 10 51

Lee B Ross TOWN OF RAMAPO
788 Haverstraw Rd TOWN CLERK'S OFFICE
Suffern, NY 10901 -6 P 12: 06
(845) 362-0096

Town Board of the Town of Ramapo
237 Rt 59
Suffern, NY 10901

July 1st, 2009

Subject: Comments for the Official Record on the Development of the Patrick Farm

As a resident, taxpayer, voter, and citizen of the Town of Ramapo, I wish to express for the record that I am 100% against this project and urge you in the strongest terms to disapprove it.

2.0-14

The owners of this property purchased it knowing how it was zoned. It has been said at various hearings over the years that Scenic Development (the owners) cannot make a profit if they cannot build multi-family housing. This is NOT the Town's problem or concern. It is not the government's province to ensure that any private entity makes a profit. Neither I nor my neighbors have any interest in whether or not Scenic Development makes a profit. It is none of our business and we should not have to alter and disrupt our lives, and see our surrounding neighborhood destroyed forever to benefit them economically or otherwise.

3.4-2BB

No matter how pretty the pictures and artist's rendering are, they are irrelevant. This land was zoned for SINGLE FAMILY RESIDENCES. People who invested their life savings in their homes in this area did so based on the zoning . . . an implied covenant between the Town and the residents that this area would sustain ONLY single family homes. By permitting this down zoning, you are breaking that covenant without any reason except to maximize the profits of a private entity. You have no right to break that covenant for the financial gain of your political allies. It is a sellout of your responsibility to the residents of this Town who live in the area.

3.4-2CC

Favorable comments by Carl Wortendyke (delivered verbally at the hearing in Torne Valley) are self-serving and meaningless. He lives in a mansion in Upper Nyack on the Hudson River . . . and will be wholly unaffected (except for the millions of dollars he stands to make as the proposed builder of this project). For him to tell us how "good for Ramapo" this development will be is insulting and laughable.

[The effects on traffic (already a disaster on Rt 202 between 4 and 6:30 PM EVERY day) will be drastically worsened.] 3.5-15
[The waste water from runoff and loss of soil permeability will endanger the adjacent critical wetlands and headwaters of the Mahwah River.] 3.2-9

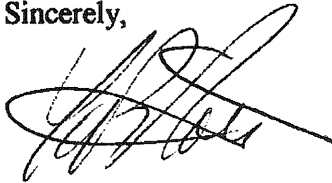
This property is historic in nature and is the last and final large undeveloped parcel in the Town . . . one of the only places where wildlife continues to prosper.] 2.0-15

The "religious" designation sought by the developers will shift a substantial tax burden onto the rest of us to pay for the residents' garbage and sewage removal and snow-plowing and all other municipal services.] 3.6-14

Finally, it is an arrogant slap in the face to ignore the overwhelming opposition to this development from virtually ALL of the residents of this area of the Town. We are the ones affected by your decisions. You are supposed to represent ALL of us, not just your campaign-contributing builders and developers.

Of course I am aware that none of you will pay any attention to this letter, or the hundreds of other comments in opposition already received, but I want it on the record anyway.

Sincerely,



Lee Ross
Unincorporated Ramapo

Cc: Rockland Journal News

LETTER # 4

DORIS F. ULMAN
ATTORNEY AT LAW
134 CAMP HILL ROAD
POMONA, N. Y. 10970

(845) 354-6436

FAX (845) 354-3861

July 6, 2009

Supervisor and Town Board
Town of Ramapo
237 Route 59
Suffern, New York 10901

Attention: Alan Berman, Esq.

RECEIVED
TOWN ATTORNEY
2009 JUL - 6 A 10:11

Re: Patrick Farm DEIS

Dear Supervisor St. Lawrence and Members of the Town Board:

The following are comments on the Draft Environmental Impact Statement submitted by the Village of Pomona, the municipality adjacent to the Patrick Farm property.

Initially we object to the adoption of an amendment to the Town of Ramapo Comprehensive Plan because an Environmental Impact Statement has not been prepared for this action. The DEIS prepared by the applicant is stated to be in support of the application for zone change. The amendment to the Plan is an action separate from the amendment to the Zoning Law and Map and requires its own SEQRA review.

We also urge the Town Board to reject the DEIS prepared by the applicant because it is based on inaccuracies, conclusions not based on fact and incorrect assumptions. For example:

1. The DEIS continually states that the project consists of 208.5 acres. This is incorrect and misleading. The 12.1 acres on the north side of Route 202 is not contiguous to the project site and cannot be used for the bulk requirements. The total acreage of the project is only 196.4 acres, thereby changing the development coverage, building coverage and FAR calculations.

2.0-116

2. The DEIS continually states that the Town's Comprehensive Plan identifies a need for diversity of housing options but fails to state that the Plan also identified specific areas of the Town to be rezoned to address this need. These areas have been identified for multi-family housing and have not yet been built out. The Comprehensive Plan created several MR-8 and MR-16 zones in order to accommodate the diversity of housing needs that the Plan envisioned. The Patrick Farm property is not one of those areas.

3.4-1E

Supervisor and Town Board
Page 2

The Patrick Farm is in one of the northernmost neighborhoods of the Town and is identified in the Comprehensive Plan for low density housing. The applicant has provided no reason to change this portion of the Comprehensive Plan.

3.4-1E
Con't

3. Table 1 on Page 1-7 of the DEIS shows that there is no need for the proposed zone change. The Table shows that population has increased by the same percentage as family size. The number of households has increased by only 115 over the 7 year period while the number of housing units has increased by 1,000. The increase in housing units is more than adequate to address the housing needs of the increase in households. Why do we need 497 units at the Patrick Farm site?

3.4-2DD

4. The studies and narratives presented in the DEIS do not address the potential adverse impacts that will result from the proposed project. Moreover, all of the "benefits" proposed for the high density project can be required by the Town for a project that complies with current zoning.

3.4-43

5. Page 1-15 of the DEIS states that the proposed action is compatible with the character and community trends of the project's surrounding area. Nothing could be further from the truth. The subject property is actually surrounded by single family homes and vacant land. If there are any two family or multi-family houses in the neighborhood they are illegal uses. The closest commercial use is more than one half mile from the Patrick Farm. The statement that "No significant adverse impacts to community character and development trends are expected from the proposed action" is a conclusion not based on fact.

3.4-3M

6. The Transportation section of the DEIS on Pages 1-16 through 1-20 contains many inaccurate statements and was obviously prepared by someone who has not experienced the daily back-up of traffic on Route 202 from Route 45 easterly to Martino Avenue and westerly to Paccsetter Shopping Center and beyond. With the advent of the Bergstol project on Route 202, the Congregation Mesifla Beth Shraga school on Camp Hill Road, the Bover and Babcock Road schools on Route 306 and the Tartikov project on Route 306, traffic on Route 202 will be at a standstill.

3.5-16

7. The project proposes to have the entrance/exit to the multi-family housing at Route 202. The DEIS tells us this is a benefit to the community. It is not. This portion of Route 202 is high speed and is currently quite dangerous. There are many driveways entering onto Route 202 into this high speed, heavy traffic. Another driveway being used by 314 families will add to the danger. The problem will be exiting the new driveway; adding a turning lane will not resolve this problem.

3.5-17

Supervisor and Town Board
Page 3

8. The discussion of property values, in particular the comparison of the subject project to the Crystal Hills project on page 1-29 is like comparing apples to oranges. The entrance to the Crystal Hills project is directly opposite a strip mall shopping center; the property immediately adjacent to Crystal Hills is a gas station. Of course Crystal Hills is not going to depress property values, i.e., it has probably increased values. However, Patrick Farm is not in a commercial neighborhood. As stated above it is surrounded by single family houses and vacant land. Multi-family housing will have an adverse effect on surrounding single family residential property values.

3.4-3N

9. The proposed preservation of the historic cemetery and farmstead are inadequate (page 1-30). The cemetery is proposed to be sited on a single family lot with a 10 foot easement giving public access. How many people are going to use the easement which appears to belong to a private person? Is the owner of the lot going to permit that access? The cemetery should be on its own lot with sufficient land to accommodate visitors and public access to a public street. A similar area should be set aside for the farmstead. This can easily be accommodated if the property is developed in accordance with its current zoning.

3.8-4

10. Summary of Project Alternatives:

a. No action alternative - we recognize that this is not a viable alternative;

b. No zone change - single family alternative - the Village of Pomona urges you to accept this alternative. This alternative is in compliance with the Ramapo Comprehensive Plan. This alternative can be sustainable and need not be the typical suburban sprawl. The Town of Ramapo permits cluster development which can be limited to a small area of the site, leaving the balance of the property as open space while limiting the number of units to the number presently permitted pursuant to the R-40 zoning district. This alternative would reduce land disturbance by 40%, eliminate the need for access onto Route 202, reduce traffic by 50%, reduce water consumption by one third, and substantially reduce noise and air pollution and water runoff.

5.0-1

c. Adult student housing is not an alternative - there is currently an injunction against this type of development;

d. Reduced build-out alternative - there is no reason to consider this as an

Supervisor and Town Board
Page 4

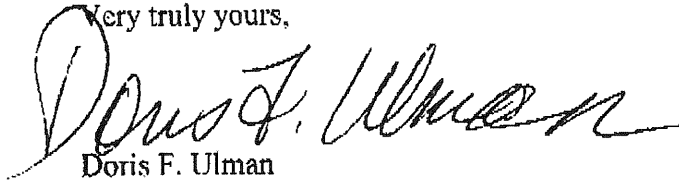
alternative. The environmental impacts of the proposed project will not be substantially reduced if only 25% of the project is eliminated. The DEIS does not address these impacts.

↑ 5.0-1
] can't

It is not our intent to point out every conclusion that is not substantiated by fact nor to list every inaccuracy in the DEIS. It is our intent, however, to bring to your attention the fact that the applicant has not adequately addressed the potential adverse impacts that will result from the zone change and that by taking a good, hard look at these impacts, you will have no alternative but to deny the application.

Thank you for the opportunity to comment on this Draft Environmental Impact Statement.

Very truly yours,



Doris F. Ulman
Village Attorney
Village of Pomona

DFU:b

BY FAX AND MAIL

MILTON B. SHAPIRO

ATTORNEYS AT LAW

SUSAN H. SHAPIRO

21 PERLMAN DRIVE • SPRING VALLEY, NEW YORK 10977

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July 22, 2009

Supervisor and Town Board
Town of Ramapo
237 Route 59
Suffern, NY 10977

RECEIVED
TOWN ATTORNEY
2009 JUL 22 P 3:58

Re: Applications of Scenic Development, LLC
to Town of Ramapo Town Board

Gentlemen:

I represent Milton B. Shapiro and Sonya Shapiro, who own and reside at 34 Scenic Drive, directly across the street from the property which is the subject of 3 pending applications from Scenic Development, LLC before the Town of Ramapo Town Board:

- 1) Draft SEQR Hearing on Environmental Impact Statement
- 2) Proposed Amendment to the Comprehensive Plan of the Town of Ramapo
- 3) Proposed Amendment to the Zoning Law to Change Zoning Map

Public hearings were held on June 4, 2009 and on June 8, 2009. The hearings were held open for written comment until July 23, 2009.

This submission is made, on behalf of the Shapiro's, in opposition to all 3 applications. (Three signed copies, one for each hearing, are enclosed).

A supplemental objection to the applications of Scenic Development, LLC is being filed separately. It is directed to a major legal problem of the 3 applications.

The Town Board has repeatedly acquiesced to the zoning requests of this Applicant. First, the property was down-zoned from 50,000 s.f. to 40,000 s.f. lots; Second, the property was designated for Adult Student Housing. Now, they are asking for an unbelievable increase from a maximum of 130 units to 497 units, 473 of which will have 4 -5 bedrooms.

The very expensive, very large, very wordy, and misleading DEIS is obviously meant to overwhelm this Board. However, the Town Board must deal with reality, not Applicant's biased, self-serving, glossy presentation to it.

Applicant's DEIS turns the Town of Ramapo's Comprehensive Plan and Zoning on its ear, in one fell swoop. The Comprehensive Plan clearly provides for growth around *existing* center cores. The DEIS describes the Town's basic concentric plan- centered around the *existing* center core, the densely zoned and populated area of Monsey, and moving out in concentric circles, more or less, to less and less populated areas of the town. Among the least populated areas is the Route 202 vicinity --- the location of the 209 acres of Patrick Farms.

Applicant's proposed change obliterates the Comprehensive Plan by dumping a *new* center core in one of the least populated areas of the town, and then considering that as a *new* center core. Unbelievably, Applicant believes that Ramapo should have a special *new* center core in the midst of one of the least populated areas of the Town.

The properties surrounding the Patrick property consist primarily of 1-Family homes on 40,000 – 50,000 s.f. lots on the south side of Route 202, (1-2 miles deep), and 80,000 s.f. lots on the north side of Route 202.

Applicant is asking the town to leap over the less populated areas to create a *new* center core in the least populated area. Applicant would have the Town Board drop a zoning bomb onto the Patrick Farm Property, with horrendous impact on the surrounding areas.

This is an aberration of both the intent and language of the Comprehensive Plan and the Zoning Code.

The DEIS is racked with many unbelievable self-serving statements including: the requested zoning would not adversely impact the surrounding residential area. Are they kidding?

At the Town Board presentation, Applicant grossly misrepresented the proposed grading. Applicant plans to strip or fill 80% of the unencumbered land, (i.e. other than wetlands, ponds, utility easements, buffer areas, steep slopes, etc, which by law, cannot be disturbed), 130 acres, to an average depth of 2.5 feet. The 61 acres proposed for MR-8 zoning would be far more drastically stripped and filled (probably to an average depth of 4-5 feet!).

The DEIS states that approximately 450,000 cubic yards would be moved. The result will change a beautiful, historic and environmentally sensitive site of trees, bushes, slopes, valleys, etc, into a stripped pool-table like site with mass produced 4-bedroom townhouses and apartments, and 5-bedroom houses. It

3.4-1F

3.1-5

3.9-8

would look like Route 306, north of Maple Ave. in Monsey, except approximately 10 times larger.

↑ 3.9-8
con't

Applicant makes no attempt whatsoever, to utilize the contours and other natural characteristics of the land, in contradiction to accepted basic good building practices and environmental considerations.

] 3.1-6

Hopefully, this Board will not take such a proposal seriously, especially when there is no need. There is plenty of housing and multi-family housing currently available, in addition to large approved still-to-be-built developments in the existing core centers.

] 3.4-44

The DEIS plan also completely disregards the Ramapo Scenic Zoning District Law. Much of the property being regraded, etc. is within the 1000' restricted zone.

] 3.4-45

Applicant proposes to build out a first section of 410 densely packed multi-family homes in the center of the property- while supposedly maintaining a 40,000 s.f. lot buffer perimeter, to be built at a later date. The reality is that those first multi-family units will have more than enough people to form a new village, with even higher density zoning, thereby voiding the proposed 40,000 s.f. buffer.

] 3.4-46

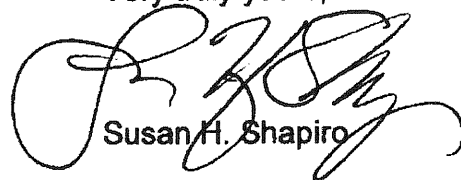
If approved as requested, the staging of the project would build-out all of the multi-family units in Stages 1-3; Stages 4-8 (most of the 1-family homes) will very possibly never get built. Based on the property's recent zoning history it would not be unreasonable to expect another zone change application within 5 - 10 years. Or, that after some of the units are built out, the new residents decide to form their own village and again drastically increase the zoning density.

] 3.4-47

Despite this bizarre plan to change the Comprehensive Plan and Zoning, there has been no suggestion by the Applicant or by the Board, for Restrictive Covenants (enforceable by residents of the property or by affected neighbors) to ensure even a modicum of protection that any approvals given by the Board will not be used as stepping stones for even further deterioration of the zoning of the neighborhood. As an absolute minimum, that should be a Board requirement for any action the Board takes.

] 3.4-48

Very truly yours,


Susan H. Shapiro

SHS/pf

MILTON B. SHAPIRO

ATTORNEYS AT LAW

SUSAN H. SHAPIRO

21 PERLMAN DRIVE • SPRING VALLEY, NEW YORK 10977

RECEIVED
TOWN ATTORNEY

2009 JUL 22 P 3: 58

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July 22, 2009

Supervisor and Town Board
Town of Ramapo
237 Route 59
Suffern, NY 10977

Amy Miele, Esq.
Town Attorney, Town of Clarkstown
10 Maple Avenue
New City, NY 10956

New York State Attorney General
Office of the Attorney General
The Capitol
Albany, NY 12224-1341

New York State Office of Parks,
Recreation and Historic Preservation
Empire State Plaza, Agency Bldg. 1
Albany, NY 12238

Re: Applications of Scenic Development, LLC
to Town of Ramapo Town Board

Gentlemen:

I represent Milton B. Shapiro and Sonya Shapiro, who own and reside at 34 Scenic Drive, directly across the street from the property which is the subject of 3 pending applications from Scenic Development, LLC before the Town of Ramapo Town Board:

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This supplemental submission is made, on behalf of the Shapiro's, in opposition to all 3 applications. (Three signed copies, one for each hearing, are enclosed for the Town of Ramapo).

Other objections to the applications of Scenic Development, LLC were or are being filed separately. Those are directed to other major problems, deficiencies, and improper aspects of the 3 applications.

This objection goes to the very core of Scenic Development LLC's ownership of the property and to the limited uses permissible with the property.

Let me explain.

The properties were purchased by the Town of Clarkstown for proposed town golf course purposes in 1996.

The purchase of the proposed municipal golf course properties and the borrowing of monies to finance the purchase, maintenance and development of the properties were authorized by formal resolutions of the Clarkstown Town Board.

In a very public and publicized manner, for the next 5 years, Clarkstown processed a site plan for the proposed municipal public golf course before the Town of Ramapo Planning Board, and, in the process, retained surveyors, engineers, landscape architects, etc.

Notwithstanding the purchase for municipal public golf course purposes and its declarations that the property was to be used for such purposes, in 2001, the Clarkstown Town Board passed a resolution authorizing the sale of the properties. On November 14, 2001, the deed was conveyed to KLM Properties LLC, pursuant to said resolution; the deed was recorded on November 16, 2001. A correction deed was recorded March 26, 2002.

The law is very clear. Once the town both purchased and designated the property as a proposed municipal golf course, a recreational use, the properties could not be sold for any other use by the Town without the enactment of a "parkland alienation bill" by the New York State Legislature.

This was never done.

As a result, the conveyance to KLM Properties LLC was defective. At the very least, the use of the property for any use other than for municipal public recreational purposes are prohibited.

A chronological listing of some of the pertinent Clarkstown Town Board resolutions and the Deeds of Conveyance is annexed hereto and made a part hereof.

3.4-49

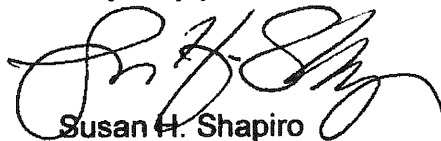
It is respectfully submitted that the applications are without merit and cannot be further considered or acted upon. The alleged owner, Scenic Development LLC, has, at most, problematic title to the properties purchased by its predecessor in title from the Town of Clarkstown.

The properties are encumbered by the "public trust doctrine" and, as previously noted, could not be so conveyed by the Town of Clarkstown without a parkland alienation bill being enacted by the New York State Legislature.

As a result of the obvious defect of applicant's title, all 3 applications must be denied. The property can be used only for a municipal public golf course or other municipal public recreational facility – not for privately owned development of any kind.

3.4-49

Very truly yours,



Susan H. Shapiro

P.S. The parties being notified by this letter have or may have an inherent interest in the legality of the purchase of the proposed golf course properties from the Town of Clarkstown and/or the proposed use thereof.

SHS/pf
Enc.

cc: Senator Thomas Monahan
District Office
158 Airport Executive Park
Nanuet, NY 10954

Assemblyman Kenneth Zebrowski
District Office
67 No. Main Street
New City, NY 10956

Assemblywoman Ellen Jaffee
District Office
1 Blue Hill Plaza, Ste. 1116
POB 1549
Pearl River, NY 10965

Assemblywoman Nancy Calhoun
1012 Little Britain Road
New Windsor, NY 12553

Doris F. Ulman, Esq.
Village Attorney, Village of Pomona
100 Ladentown Road
Pomona, NY 10970

Frank Brown, Esq.
Village Attorney, Village of Wesley Hills
432 Route 306
Wesley Hills, NY 10952

Scenic Development, LLC
PO 404 East Route 59
Nanuet, NY 10954

CLARKSTOWN GOLF COURSE

History of Resolutions and Conveyances (Partial)

1. Scenic Development, LLC has, at best, a defective or encumbered title to the "Patrick Farms" property that is the subject of the zone change and related applications that are the subjects of these hearings.
2. The Town of Clarkstown could not validly sell its proposed golf course for any purpose other than a public recreational facility.
3. The Clarkstown Town Board by Resolutions 685-96, 686A-96 and 686B-96, adopted August 5, 1996 (Exhibit 1), authorized the purchase of the properties for golf course purposes.
4. A condition of the Contract of Sale to Clarkstown dated 9/3/96 was a preliminary routing plan for purposes of development of the property for a golf course.
5. The properties were acquired on 10/11/96 by three deeds: (1) Deed dated 10/9/96, recorded in the Rockland County Clerk's office on 10/11/96 as Instrument ID#1996-00018609; Deed dated 10/9/96, recorded 10/11/96 as Instrument ID#1996-00018610; and Deed dated 10/9/96, recorded 10/11/96 as Instrument ID#1996-00018612) (Exhibit 2).
6. From the time it was purchased until the Town sold it in 2001, Clarkstown authorized and did whatever was required to obtain the necessary approvals by the Town of Ramapo Planning Board, including surveying, engineering, planning, etc. for the proposed golf course.
7. Without obtaining the required Act of the New York State Legislature to permit alienation, the Clarkstown Town Board authorized the sale of the property on 7/17/01 by Resolution 549-01 (Exhibit 3).
8. Resolution 549-01 incorporated the Contract of Sale by reference. The Contract is annexed hereto (Exhibit 4)
9. The deed, dated 9/14/01 from Clarkstown to KLM Properties LLC was recorded on November 14, 2001 as Instrument ID#2001-00055724 (Exhibit 5). A Correction Deed dated 11/14/01 was recorded 3/26/02 as Instrument ID#2002-00018432 (Exhibit 6).
10. KLM Properties LLC sold the property to Scenic Development, LLC by Deed dated 3/12/02, recorded 3/26/02 as Instrument ID#2002-00018435 (Exhibit 7)



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

David A. Paterson
Governor

Carol Ash
Commissioner

May 6, 2009

Alan Simon
Director of Building and Planning Administration
Town of Ramapo
Ramapo Town Hall 237 Route 59
Suffern, NY 10901

Re: SEQR/DEC/ACOE
Draft EIS Response
Patrick Farms Project
Intersection of Route 306 and 202
Town of Ramapo, Rockland County, NY
08PR02295

Dear Mr. Simon,

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant historical/cultural resources. Based on information provided in the Draft Environmental Impact Statement (DEIS) it appears that this project will need permits from the New York State Department of Environmental Conservation as well as the United States Army Corps of Engineers. Therefore SHPO expects to be asked to provide comments in accordance with the Section 14.09 of the State Historic Preservation Act and Section 106 of the National Historic Preservation Act by these agencies. At this time we are providing the following comments on the DEIS for your use in your SEQRA review.

As identified in the DEIS our office has been working with applicant and we have previously reviewed Phase 1 and 2 archaeological reports, identifying a number of historic resources. The DEIS correctly identifies our comments on each site and at this time we concur that our office has recommended avoidance or mitigation of only two of the identified resources: the Conklin Cemetery and the J. Mather Farmstead. However, we had not previously seen the proposed avoidance/mitigation measures identified in the DEIS and SHPO will not concur that those measures are sufficient to avoid adverse impacts to either resource. In both cases the extent of the resource has been minimized to a point that SHPO can not concur with. We offer the following suggestions on how to modify the avoidance/mitigation measures so that SHPO can concur with them.

At the Conklin Cemetery, as at all historic locations, SHPO recommends that a protected buffer area be included in the site limits to insure that the resource is protected. Such buffers help to protect sites against accidental impacts during construction and serve to insure that all resources associated with a site are safely avoided. For the Conklin Cemetery we recommend extending the protected area 25 feet beyond the stone wall. This extension will not affect the proposed building envelopes as identified on the current project plans (dated 8/21/08). In addition we would recommend that a conservation easement be created to insure long term protection of the cemetery, that the area be clearly marked on all construction plans as "Environmentally Sensitive Area, Do Not Disturb" and that the buffer area be protected by easily visible fencing during any construction activities. Since all of this can be accomplished without modifying

3.8-5
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the proposed extent of the construction envelopes on Lots 7 and 8 these recommendations should be easy to implement.

3.8-5
con't

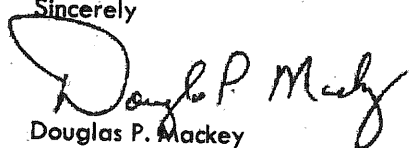
The J. Mather Farmstead Site is incorrectly labeled Figures 3.8-2 and 3.8-3 of the DEIS as the J. Mather Farmhouse site, and the proposed avoidance reflects this mistake. SHPO has determined that the J. Mather Farmstead – including the house, the well and additional surrounding areas which produced archaeological material during the investigation are eligible for the National Register of Historic Places, not just the stone foundation. Therefore, the proposed avoidance measures included in the DEIS will not protect the site sufficiently, and as proposed the project will have an adverse impact on the site that should be mitigated through measures to be developed. The actual site – as identified by the extent of archaeological testing which produced material associated with this occupation, and including a minimal buffer area, extends through much larger segment of Lot 51. When viewed on the current project plan the site covers areas that are identified as a single family home on Lot 51 and Building 158 as well as the entrance road from Route 306. In order to completely avoid impacting the J. Mather Farmstead site, the proposed plan would have to be reconfigured, removing Building 158, if possible shifting the proposed construction on Lot 51 north and west, and removing the access road from Route 306. If the project can not be reconfigured to avoid impacting portions of the site, SHPO would recommend developing additional mitigation measures. We will be happy to consult on the development of appropriate avoidance and/or mitigation measures. Whichever options are selected we would also recommend developing preservation easements or covenants to protect any portions of the site left intact, and implementing protective fencing during construction.

3.8-6

3.8-7

I hope that you find these comments useful in your review of the DEIS. Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely



Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

Cc: Ramapo Planning Board
Tim Miller Associates



COUNTY OF ROCKLAND
DRAINAGE AGENCY
Division of the Highway Department
23 New Hempstead Road
New City, New York 10956
(845) 638-5081
Fax. (845) 708-7116
Email: highway@co.rockland.ny.us

C. SCOTT VANDERHOEF
County Executive

CHARLES H. VEZZETTI
Superintendent of Highways
Chairman, Drainage Agency

EDWARD F. DEVINE
Executive Director

Via Regular and Certified Mail No. 7006 2760 0001 9977 1356

June 04, 2008

Town of Ramapo
Office of Building, Planning, & Zoning,
237 Route 59
Suffern, New York 10901
Attention: Alan Simon,
Director of Planning and Zoning Administration

Re: Development of Patrick Farms
Section 32.11, Block 1, Lots 2, 3, 4, 12, 13, 14, 15, 16
Section 32.14, Block 2, Lot 3
Town of Ramapo Tax Map
Resource: Mahwah River

Dear Mr. Simon:

The Rockland County Drainage Agency ("RCDA") has reviewed the above-referenced proposal as prepared by Leonard Jackson Associates dated November 11, 2007 and last revised April 30, 2008 (1 sheet).

Based on the information provided and maps available to the RCDA, the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. Please have the applicant submit an application to the RCDA immediately. Enclosed is a copy of a permit application and Chapter 846: Rockland County Stream Control Act.

3.6-15

Any further decisions or determinations made by the Town of Ramapo land use boards in this matter should indicate that the site is within the jurisdiction of the RCDA and that a permit from the RCDA is required. The RCDA recommends that the Town of Ramapo ensure that the applicant has secured the necessary permits and approvals from all interested and involved agencies as a prerequisite to granting any final approvals.


Furthermore, the eastern and southern side of the site appears to be located within mapped state and federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

3.3-8

The Rockland County Drainage Agency ("RCDA") does not object to the Town of Ramapo Planning Board assuming responsibilities of lead agency for SEQRA purposes in the above referenced matter.

Please contact Shajan Thottakara, P.E., at (845) 638-5081 if you have any questions regarding this matter.

Very truly yours,



Edward F. Devine
Rockland County Drainage Agency

encl.

cc: Yechiel Lebovits, Scenic Development, LLC (Via Regular and Certified Mail No. 7006 2760 0001 9977 1196)

(w/o enclosures)

Charles H. Vezzetti

Shajan Thottakara, P.E., RCDA

Rockland County Planning Department



**COUNTY OF ROCKLAND
DRAINAGE AGENCY**

Division of the Highway Department
23 New Hempstead Road
New City, New York 10956
(845) 638-5081
Fax. (845) 708-7116
Email: highway@co.rockland.ny.us

C. SCOTT VANDERHOEF
County Executive

CHARLES H. VEZZETTI
Superintendent of Highways
Chairman, Drainage Agency

EDWARD F. DEVINE
Executive Director

Via Regular U.S. Mail and Certified Mail No. 7008 2810 0002 4406 6798

June 8, 2009

Town of Ramapo - Town Board
Ramapo Town Hall
237 Route 59
Suffern, New York 10901
Attention: Alan B. Berman, Esq., First Deputy Town Attorney

Re: Patrick Farm Development Plan Review
Section 32.11, Block 1, Lots 2, 3, 4, 12, 13, 14, 15 & 16; and
Section 32.14, Block 2, Lot 3
Town of Ramapo Tax Map
Resource: Mahwah River

Dear Mr. Berman:

The Rockland County Drainage Agency ("RCDA") has received and reviewed the following information submitted to the our office regarding the above-mentioned subject:

- A. Draft Environmental Impact Statement – Volume I – Patrick Farm prepared by Tim Miller Associates, Inc., dated April 15, 2009,
- B. Draft Environmental Impact Statement – Volume II – Patrick Farm prepared by Tim Miller Associates, Inc., dated April 15, 2009; and
- C. "Patrick Farm" project drawings prepared by Leonard Jackson Associates, signed and stamped by Leonard Jackson, P.E., dated August 21, 2008 and last revised March 17, 2009 (8 sheets).

The RCDA has previously reviewed the above-referenced proposal. By letter dated June 4, 2008, the RCDA advised the Town of Ramapo Building Planning and Zoning Department that the above-referenced site has been determined to be within the jurisdiction of the RCDA and that a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. A copy of the RCDA letter dated June 4, 2008 is attached hereto. As of the date of this correspondence, the RCDA has not received a permit application with respect to the above-referenced matter as required by the Rockland County Stream Control Act.

3.6-15

Please have the applicant submit an application to the RCDA with the required information immediately. Enclosed is a copy of a permit application and Chapter 846: Rockland County Stream Control Act.

Any further decisions or determinations made by the Town of Ramapo land use boards in this matter should indicate that the site is within the jurisdiction of the RCDA and that a permit from the RCDA is required. In addition, the site appears to be within mapped state and federal wetlands. The RCDA suggests that the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

The RCDA recommends that the Town of Ramapo ensure that the applicant has secured the necessary permits and approvals from all interested and involved agencies as a prerequisite to granting any final approvals.

If you have any questions regarding this matter, please contact Shajan Thottakara, P.E., at (845) 638-5081.

Very truly yours,


Edward F. Devine
Rockland County Drainage Agency

enc.

cc: Charles H. Vezzetti
Shajan Thottakara, P.E., RCDA
Helen Kenny Burrows, Rockland County Planning Department
Arlene Miller, Rockland County Planning Department
New York State Department of Environmental Conservation
U.S. Army Corps of Engineers
Scenic Development, LLC via Regular Mail and Certified Mail No. 7008 2810 0002 4406 6804
Alan M. Simon, Director of Planning and Zoning Administration, Town of Ramapo Building,
Planning & Zoning Department via Regular Mail and Certified Mail No. 7008 2810 0002 4406 6811

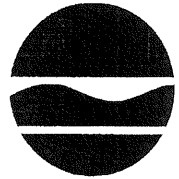
3.6-15
Con't

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3000 • FAX: (845) 255-4659

Website: www.dec.ny.gov

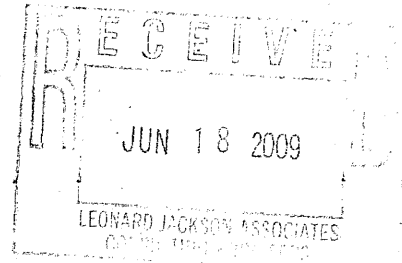


Alexander B. Grannis
Commissioner

June 16, 2009

DENNIS ROCKS
 LEONARD JACKSON ASSOCIATES
 26 FIREMANS MEMORIAL DRIVE
 POMONA, NY 10970

RE: DEC Pre-Application #3-3926-00570/00002
 Patrick Farm
 497 Residential Units on 208 Acres
 Town of Ramapo, Rockland County



Dear Mr. Rocks,

On April 3, 2009 the New York State Department of Environmental Conservation (Department) received your request for a jurisdictional determination regarding resources located within the above referenced 208 acre parcel. The Department has screened the subject parcel and determined the following:

1. Freshwater Wetlands (Article 24) – The subject parcel contains portions of two NYS Freshwater Wetlands, TH-14 (Class I) and TH-30 (Class II). Any disturbance within these two wetlands or their respective 100 foot adjacent areas requires a Freshwater Wetlands permit from this Department. The site also contains portions of wetlands that may be federally regulated. Federally regulated wetlands fall under the jurisdiction of the Army Corp of Engineers. Correspondence with that agency is required to determine any additional permit requirements that may apply. Please note that if the project involves the filling of any federally regulated wetland a 401 Water Quality Certification is required from this Department. 3.3-9

2. Protection of Waters (Article 15) – The subject parcel contains portions of two NYS Protected streams; both are Class B tributaries to the Mahwah River (Water Index No's NJ 11-12 and NJ 11-14). Any disturbance within the bed or banks of these protected streams requires a Protection of Waters permit from this Department. 3.2-10

3. Dam Safety (Article 15) – According to the documentation provided, the site includes an earthen dam which is 10 feet high and impounds greater than 3 million gallons of water. Any proposed repair to this impoundment requires a dam safety permit from this Department. 3.2-11

4. Water Supply (Article 15) – The recently accepted Draft Environmental Impact Statement (DEIS) for this project indicates that United Water New York will provide water service to this project and has sufficient excess capacity to do so. As the subject parcel is located within an existing water district, a water supply permit from this Department is not required for this project. 3.2-12

RE: Patrick Farm Jurisdictional Determination
June 16, 2009
Page 2 of 2

5. SPDES Wastewater – The recently accepted DEIS for this project indicates that sanitary wastewater will be discharged to the Rockland County Sewer District #1 (RCSD #1) municipal system. The DEIS also indicates that RCSD #1 has sufficient capacity to accept and treat this flow. Therefore, a sanitary SPDES permit is not required for this project.

3.2-13

Note: The sewer extension (physical connection to existing infrastructure) requires site plan review and approval from this Department.

6. Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) – Compliance with this SPDES General Permit is required for construction projects that disturb one or more acres of land. When other DEC permits are required, the Stormwater Pollution Prevention Plan (SWPPP) required by the SPDES General Permit must be submitted along with the permit application for concurrent review. Authorization for coverage under the SPDES general permit is not granted until approval of the SWPPP and issuance of the other necessary DEC permits.

3.2-14

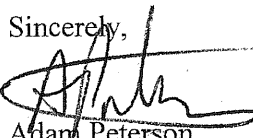
7. SHPA - A review of the statewide inventory of archeological resources maintained by the New York Office of Parks, Recreation and Historic Preservation (OPRHP), indicates that the proposed project is located within an area considered to be sensitive with regard to archeological resources. Pursuant to the State Historic Preservation Act, a determination of the project's effect on cultural resources would need to be made by the OPRHP, if permits or approvals are required from a state agency for this work.

3.8-8

Upon submission of formalized plans, the Department will issue a definitive determination as to which of the above referenced potential permit jurisdictions are applicable to this proposal.

Note: The Department is in receipt of the recently accepted DEIS and is preparing comments to submit to the lead agency, the Town of Ramapo Town Board, by the July 8, 2009 deadline. Our comments on the DEIS may have more specific information pertaining to Department jurisdictions, depending upon the project specific details provided within DEIS.

Contact me with any questions or concerns that you may have at (845) 256-3096.

Sincerely,

Adam Peterson
Environmental Analyst

Cc: Scenic Development, LLC
Town of Ramapo Town Board
USACOE

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3000 • FAX: (845) 255-4659

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

July 3, 2009

ALAN SIMON
 DIRECTOR OF BUILDING AND PLANNING ADMINISTRATION
 TOWN OF RAMAPO TOWN BOARD
 237 ROUTE 59
 SUFFERN, NY 10901

RE: DEC Pre-Application No. 3-3926-00570/00002
 Comments on Draft Environmental Impact Statement (DEIS)
 Patrick Farm – 497 Residential Units on 208.5 Acres
 Town of Ramapo, Rockland County

Dear Mr. Simon:

The New York State Department of Environmental Conservation (DEC or Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Patrick Farm Subdivision development project proposed by Scenic Development, LLC. The Department is an involved agency in the SEQR review of this project. Several permits and approvals will likely be required from DEC for the project including:

1. Protection of Waters for construction activities affecting the bed and banks of state regulated streams on the property;
2. Freshwater Wetlands for construction affecting state regulated wetlands and associated 100 foot adjacent areas;
3. Dam safety for proposed repairs to the on site earthen dam; and
4. State Pollutant Discharge Elimination System (SPDES) for proposed stormwater discharges.

3.2-15

Our comments generally focus on areas where DEC will have direct regulatory authority and on biological resources where the Department has recognized stewardship responsibilities. The following comments are offered for the Town Board's consideration;

Biological Resources

Section 3.3 page 13 of the DEIS indicates that the Eastern box turtle, a NYS Species of Special Concern, was observed by Tim Miller Associates during the course of 2008 field surveys and Carpenter Environmental Associates during a 2006 field survey. As the DEIS indicates, NYS State Law does not offer any specific protection for species of special concern. However, the final scoping document requires that the DEIS evaluate the potential impacts on unique, rare and/or endangered, threatened **and** special concern species. The DEIS does offer a description of preferred habitat for the Eastern box turtle but does not discuss potential impacts to on site habitat or related impacts on the population. An analysis regarding potential impacts to the Eastern box turtle should be included.

3.3-10

Vernal pools support breeding of the marbled salamander, Jefferson salamander, and blue-spotted salamander, all NYS Special Concern and Species of Greatest Conservation Need. These pools are also part of the habitat complex of spotted turtle, a NYS Special Concern species. Vernal pools provide breeding habitat for the group of woodland salamanders called the "mole salamanders," which include marbled, Jefferson, blue-spotted, and spotted salamanders, as well as wood frogs. Because the pools are typically isolated, low in oxygen,

3.3-11

RE: Patrick Farm
July 3, 2009
Page 2 of 4

and dry during the summer they don't support fish populations and therefore provide high-quality "nursery" habitat for the developing eggs and larvae of salamanders and frogs. Section 3.13 page 15 indicates that no vernal pools are located within the subject site. However, the DEIS does not indicate the timing of the survey or survey methodology used to determine that no vernal pools are present. The EIS should provide additional detail regarding survey timing and methodology.

3.3-11
Con't

Freshwater Wetlands

Section 3.3 page 21 of the DEIS indicates that the proposed project will not disturb any on site regulated freshwater wetlands or 100 foot adjacent areas. However, Section 2.5.1 page 17 indicates that a permit to disturb the 100 foot adjacent area is required for the discharge of a stormwater basin. This discrepancy should be clarified.

3.3-12

In addition, DEC will require the placement of survey markers along the boundary of the 100 foot adjacent area at appropriate locations (see enclosure) in conjunction with the placement of a permanent barrier (split rail fence, stone wall, or other equivalent structure). The survey markers and permanent structure appear to be appropriate for lots 43-49 and 53-55. These plan revisions should be included in the final site plan which will be reviewed by this Department upon submission of a formal application. Also, a condition of any permit issued by DEC will be the inclusion of a "deed notice" on these lots regarding the presence of NYS Freshwater Wetland and/or 100 foot adjacent area. The purpose of the deed notice is to ensure future owner awareness and compliance with Article 24. The deed notice language is as follows:

3.3-13

"This property contains State regulated freshwater wetlands and/or regulated 100 foot adjacent area. For as long as any portion of the property described in this deed is subject to regulation under Article 24 (the Freshwater Wetlands Act) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the ECL on this property within the wetland area or its 100 foot adjacent areas at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 24 from the NYS Department of Environmental Conservation (DEC). This restriction shall bind the Grantees, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property."

Streams

The subject parcel includes portions of two NYS regulated streams; both Class B tributaries to the Mahwah River. This proposal includes two crossings of these protected streams which will require permits from DEC. All stream crossings must include a bottom consisting of natural substrate and must completely span the bed of the stream to prevent constriction of flow. Permits will be also be required for the construction of stormwater discharge points within the bed and banks of these protected streams. In addition, DEC recommends maintaining a 50 foot wide vegetated corridor on each side of protected streams in order to maintain stable embankments and water quality. These recommendations should be incorporated into the final site plan, which will be reviewed by this Department upon submission of a formal application. In addition, a condition of any permit issued will be the addition of a "deed notice" on affected lots regarding the presence of NYS regulated streams. The objective of the deed notice is to ensure owner awareness and compliance with Article 15. The deed notice language is as follows:

3.2-16

RE: Patrick Farm
July 3, 2009
Page 3 of 4

“This property contains a New York State regulated stream. For as long as any portion of the property described in this deed is subject to regulation under Article 15 (Protection of Waters) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no regulated activity as defined by Article 15 of the ECL on this property within the bed or banks of this stream at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 15 from the NYS Department of Environmental Conservation (DEC). This restriction shall bind the Grantees, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property.”

↑
3.2-16
Con't

It appears that the deed notice is appropriate for lots 58, 66-68, and 79.

Water Supply

Appendix B includes a “willingness to serve” letter from United Water New York pertaining to the supply of potable water to the subject development. However, this letter, issued on August 25, 2008 expired nine months from issuance and therefore is no longer valid. An updated willingness to server letter should be provided.

] 3.6-16

Sanitary Wastewater Management

Section 3.6.6 page 7 indicates that sanitary wastewater will be discharged through the Rockland County Sewer District (RCSD) #1 waste water treatment plant (WWTP) located in Orangeburg, NY. The DEIS should demonstrate that RCSD #1 and the existing WWTP have sufficient capacity to accommodate the 198,800 gallons/day (GPD) to be discharged. If RCSD #1 does not have sufficient capacity under the existing SPDES sanitary wastewater permit, a modification to this permit will be required, assuming the WWTP has sufficient excess capacity to accommodate this additional discharge. The analysis demonstrating capacity should include an evaluation of existing capacity taking into account other development projects in the area proposing to discharge via RCSD #1.

] 3.6-17

Stormwater

Section 3.2 page 5 states “An acceptable SMP will capture and treat 90 percent...” This should be revised to state “An acceptable **water quality** SMP will capture and treat 90 percent...”

] 3.2-17

Section 3.2 page 6 states “All of these wet extended detention ponds were designed in accordance with NYSDEC sizing criteria to treat a portion of the water quality volume (WQv) by detaining...” In fact, DEC sizing criteria require that detention ponds be sized to treat the **entire** water quality volume.

] 3.2-18

Upon submission of a formal application to DEC, the Stormwater Pollution Prevention Plan (SWPPP) will be reviewed to ensure compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001).

] 3.2-19

Energy/ GHG

Section 8.0 page 1 of the DEIS quantifies the approximate energy usage per household based on 1997 data provided by the US Department of Energy. The provided data indicates that a “typical” development of 497 households would consume approximately 61.13 billion BTU of energy annually. The DEIS goes on to discuss the various energy saving principles to be incorporated in the Patrick Farm Development including the installation of high efficiency lighting fixtures, the use of Solar Domestic Hot Water (SDHW) in the market rate multifamily units to the extent practicable, the consideration of the use of solar or geothermal technology to supplement energy demand within the worker apartments, and the installation of high efficiency insulation.

] 8.0-1
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In response to the information provided the Department offers the following:

1. Per the enclosed “Guide for Assessing Energy use and Greenhouse Gas Emissions in

RE: Patrick Farm
July 3, 2009
Page 4 of 4

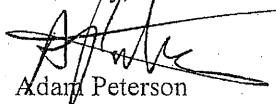
Environmental Impact Statements," energy use should be converted into GHG emissions and represented as tons of carbon dioxide (CO²). To convert Btu's to CO² emissions utilize the conversion at the following link: <http://www.eia.doe.gov/oiaf/1605/coefficients.html>.

2. The DEIS includes data regarding "typical" energy usage of a 497 unit development. However, no attempt is made to quantify the emissions of the proposed development. As this proposal includes the utilization of several energy saving technologies, provide an analysis which quantifies "typical" energy usage and GHG emissions (in tons of CO²) compared to anticipated emissions from this development. As the extent to which certain technologies will be utilized (ie. SDHW) is not yet finalized, the analysis should include a range of scenarios addressing various usage levels of energy saving technologies. The analysis should quantify both direct and indirect emission sources as outlined in the enclosed guidance, as applicable to this proposal.

3. The DEIS indicates that SDHW will be installed in two of the first five multi-family buildings constructed, in order to determine the viability of this technology in this region. It is assumed that if this technology is deemed viable, that it will be further utilized within the development. In order to optimize the likelihood that the use of solar energy as a **supplemental** energy source will be successful the Department believes that solar energy should be pursued as a means of "pre-heating" and that the applicant should utilize a back-up energy source as well. The use of solar as a lone energy source will not likely provide a reliable means to heat water given the temperate climate of the locale. In addition, the applicant should utilize the services of certified installers/ engineers when considering building layout and orientation, solar panel sizing, and locating and installing solar technology to ensure proper alignment. This will maximize the likelihood that solar energy will be a viable form of supplemental energy, not only within two of the multi-family structures, but throughout the townhouse portion of the development.

DEC thanks you for the opportunity to comment on this project and the DEIS. Please contact me with any questions that you may have at (845) 256-3096.

Sincerely,



Adam Peterson
Environmental Analyst

Enclosures

Cc: Scenic Development, LLC (w/ enclosures)
Dennis Rocks, Leonard Jackson Associates (w/enclosures)
Margaret Duke – R3 Regional Permit Administrator (Via GW)
Lisa Masi, DEC (Via GW)
Brian Drumm, DEC (Via GW)
Natalie Browne, DEC (Via GW)
RCSD #1
United Water New York
USACOE

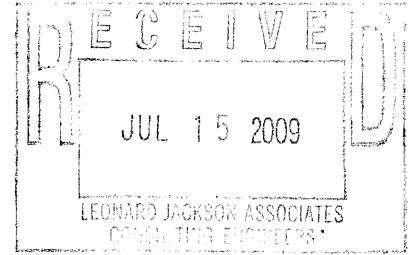
8.0-1
Con't



COUNTY OF ROCKLAND

SEWER DISTRICT NO. 1

4 Route 340
Orangeburg, New York 10962
(845) 365-6111
Fax. (845) 365-6686



C. SCOTT VANDERHOEF
County Executive

JULIUS GRAIFMAN
Chairman
CHRISTOPHER P. ST.LAWRENCE
Vice-Chairman
DIANNE T. PHILIPPS, P.E.
Executive Director

July 7, 2009

Mr. Alan Berman
Town of Ramapo – Town Board
237 Route 59
Suffern, NY 10901

Re: Patrick Farm
Route 202 and Route 306
Tax Lots 89/32.11-1-2, 3, 4, 12, 13, 14, 15 & 16 and 89/32.14-2-3

Dear Mr. Berman:

Our office has received and reviewed a Draft Environmental Impact Statement (DEIS) dated April 15, 2009, which Tim Miller Associates prepared for the above referenced project. We thank you for the opportunity to comment on this proposal. Our comments are as follows:

1. The sanitary sewers from this development would connect to the District's sewer system.
 - a. Upon review of this proposal and requested zone changes, the District has determined that an impact fee will be required, in accordance with the Rockland County Sewer Use Law as last amended in 2006. Impact fees enable the District to invest in future sanitary sewer improvement projects.
 - b. The proposed development of this site for 87 1-family residences, 314 townhouses, 72 condominiums and 24 apartments will result in three hundred ninety-one (391) additional sewer units. **Therefore, the developer must submit a check in the amount of seven hundred twenty three thousand three hundred fifty dollars (\$723,350.00) payable to Rockland County Sewer District No. 1 within thirty (30) days of Planning Board approval.**
2. This project lies wholly or partly within Tax Lots 32.11-1-15 (formerly 3./12A1), 32.11-1-16 (formerly 3./12A1), 32.11-1-4 (formerly 3./13A2), 32.11-1-14 (formerly 3./13A2), and 32.14-2-3 (formerly 3./13A2), which the United States Environmental Protection Agency (EPA) has designated as Environmentally Sensitive Areas (ESAs).

3.6-18
3.6-19

- a. Prior to connecting any building to sanitary sewers, the developer must obtain a waiver of the EPA's grant condition, which restricts sewer connections from ESA lots. Any sewer application for these parcels cannot be approved until the EPA and New York State Department of Environmental Conservation (DEC) approve the waivers. } 3.6-19
Con't
- b. An ESA waiver request must be submitted to this office **along with the correct number of plans and narratives** as indicated below. The District cannot forward an ESA waiver request to the EPA and DEC until **seven (7)** copies of the information outlined below are submitted to this office:
- i. **PROJECT PLANS:** Please provide a detailed site plan of the existing and proposed topography, drainage, soils, etc., and other features of the site. } 3.1-7
- ii. **ESA BOUNDARY DELINEATION:** Please provide a precise delineation of the ESA boundary on the same scale as the aforementioned subdivision plan. Also, provide a brief written report that delineates the boundaries of both the wetland and the 100-year flood plain boundaries. } 3.3-14
- iii. **EROSION AND SEDIMENTATION CONTROL (E&SC) PLANS:** Please provide a complete erosion and sediment control plan for the entire site to protect the ESA wetland and floodplain both during and after construction (include standard notes and details). } 3.1-8
- iv. **ESA CHARACTERIZATION AND EVALUATION:** Please describe the current wetland features of the ESA wetland areas on the site in terms of the following parameters: acreage, flora, fauna, wildlife habitat, soils, rock, flood control, and the surrounding setting. Please also evaluate the wetland values in accordance with the latest available U.S. Army Corps of Engineers Wetland Evaluation Manual. Also, please quantify the floodplain characteristics and evaluate the effects of your project on it. } 3.3-15
- v. **EFFECTS OF MODIFICATIONS:** Please explain how the proposed site disturbances would affect the site features and values discussed in response to Item 4 above.
- vi. **ESA MITIGATION:** Please provide a detailed narrative discussion of your proposed mitigation plan in order to comply with the standards for waiver approval listed below. As necessary, the plan should include the creation of new wetland acreage of, at a minimum, equal size and value to that which would be lost. } 3.3-16
- vii. **STANDARDS FOR WAIVER APPROVAL:** The standards applied by the EPA and DEC for ESA Waiver Approval are similar to the DEC standards for a Freshwater Wetland Permit. There will be a sufficient demonstration of: } 3.3-17

(1) no net loss of wetland acreage or wetland values;

- (2) no reasonable non-wetland alternate locations existing on the site for this development;
 - (3) minimization of loss of wetland and wetland values;
 - (4) mitigation of any loss of wetland acreage or wetland values;
 - (5) no appreciable increase in turbidity or sedimentation in the wetland or any watercourses above background levels; and
 - (6) no net increase in downstream flooding during storm events.
- c. The *Procedural Rules for Working on Rockland County Sewer District No. 1 Sewers* impose a fee of two hundred dollars (\$200.00) to process an application for an ESA waiver.
- d. Once the above requirements have been met, our office will forward the required information to the EPA and DEC. It should be noted that six (6) of the seven (7) sets as requested above are required for EPA and DEC purposes.
3. The District accepts the preliminary design proposal to replace the Route 202 Pump Station, construct a new force main, construct new gravity lines and upgrade the Wilder Road Pump Station in order to accommodate this project. The District will require the design engineer to coordinate and forward the details of the final design to this office for approval.
- a. Page 1-2 of the DEIS states, "The project proposes to upgrade and improve the existing sewer infrastructure which serves the project site. These conceptual plans have been approved by the Rockland County Sewer District #1." However, per Comment 3 above, the District accepts the proposal to upgrade the existing infrastructure but has not yet approved any such plans.
4. Pages 1-24 and 3.6-7 of the DEIS refer to "chlorinated effluent" and "aerobically digested" sludge.
- a. Sodium hypochlorite is used to disinfect the wastewater, and sodium bisulfite is used to dechlorinate prior to discharging the effluent into the Hudson River.
 - b. The sludge is not aerobically digested. The District uses *anaerobic* digesters.
5. Page 3.6-7 of the DEIS states, "Attached in the Appendices of this document is a copy of the Executive Summary from the RCSD#1 Collection System Evaluation and Engineering Report for Order on Consent Compliance". However, the appendices do not contain the above-referenced executive summary.
6. Page 3.6-8 of the DEIS states, "Figure 3.6-1 shows the approximate path of the proposed force main, which runs through Prosperity Drive." However, the DEIS does not contain the above-referenced figure. Also, according to Drawing No. 4 [Utility Plan (1 of 2)], the proposed force main will connect to the District's sewer main on Scenic Drive.

3.3-17
Con't

3.6-20

3.6-21

3.6-22

3.6-23

- 7. The sewers within this project will connect directly to the District's sewer main on Scenic Drive.
 - a. A permit must be obtained from the District, prior to starting the sewerage portion of this job. Details for connecting to the District's sewer must be approved prior to construction.
 - b. The contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the **County of Rockland** and **Rockland County Sewer District No. 1** from any claims arising from work performed on our facilities.

- 8. Rockland County Sewer District No. 1 requires sanitary sewer construction to conform to District standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approve certification of test results from a licensed professional engineer before approving the sewers on this project.

- 9. In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction be in accordance with the District's standards. The District's standard details require the joints to have butyl rubber seals with *mortar in and out, and then to be coated with "Infi-shield" EPDM rubber seal wrap or approved equal.*

- 10. Details for the sanitary sewer house connections are subject to approval by the Town of Ramapo.

3.6-24

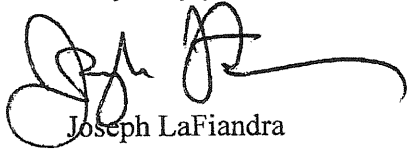
3.6-25

3.6-26

3.6-27

Please inform us of all developments in this project. If you have any questions, please contact this office at 845-365-6111.

Very truly yours,



Joseph LaFiandra
Engineer II

- cc: D. Philipps M. Saber M. Castro M. Gross
Scott McKane, P.E. – Rockland County Department of Health
Helen Kenny-Burrows – Rockland County Department of Planning
Edward Moran, P.E. – Town of Ramapo DPW
Alan M. Simon – Town of Ramapo Planning Board
Christopher Landis, P.E. – Leonard Jackson Associates

File: TOR 32.11-1-4 et al. – Patrick Farm
ESA
Impact Fees
Reader



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

Building T
50 Sanatorium Road
Pomona, New York 10970
(845) 364-3434
Fax. (845) 364-3435

JUL 08 2009

C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

July 7, 2009

Mr. Alan Simon
Director of Building and Planning Administration
Town of Ramapo
237 Route 59
Suffern, New York 10901

Re: Patrick Farm

Dear Mr. Simon:

It has come to our attention that the comment period deadline for the Draft Environmental Impact Statement (DEIS) for the proposed amendment to the Town's Comprehensive Plan, the Zoning Code amendment and the zone change petition for the above referenced property is July 23, 2009 not July 8, 2009. This extended review period seems advisable given the amount of information to be considered. As indicated in our letter of June 4, 2009, this department will not be issuing a GML review for the amendment to the Comprehensive Plan or the Zoning Code Amendment before reviewing the DEIS. We believe that the information contained within the DEIS is critical to a thorough GML review. We hope to submit our comments on the DEIS on or before the July 23, 2009 deadline for receipt of public comments.

2.0-17

Please contact Helen Kenny Burrows at 364-3453 if you require clarification or additional information.

Sincerely,

Salvatore Corallo
Commissioner

- C: C. St. Lawrence, Supervisor
- M. Klein
- A. Berman
- Village of Pomona
- Village of Wesley Hills
- RC Drainage Agency
- RC Health Department
- RC Sewer District No. 1
- NYS Department of Transportation
- NYS Department of Environmental Conservation
- Palisades Interstate Parkway
- United States Army Corps of Engineers

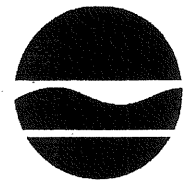
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3000 • FAX: (845) 255-4659

Website: www.dec.ny.gov

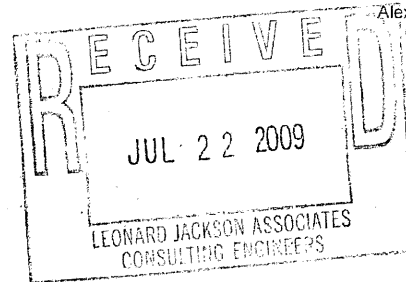


Alexander B. Grannis
Commissioner

July 23, 2009

Via Facsimile (845) 357-8513 and U.S. Mail

ALAN SIMON
DIRECTOR OF BUILDING AND PLANNING ADMINISTRATION
TOWN OF RAMAPO TOWN BOARD
237 ROUTE 59
SUFFERN, NY 10901



RE: DEC Pre-Application No. 3-3926-00570/00002
Addendum to Comments on Draft Environmental Impact Statement (DEIS)
Patrick Farm – 497 Residential Units on 208.5 Acres
Town of Ramapo, Rockland County

Dear Mr. Simon:

On July 3, 2009 the New York State Department of Environmental Conservation (DEC or Department) submitted comments on the DEIS for the Patrick Farm Subdivision development project proposed by Scenic Development, LLC. As it is the Department’s understanding that the deadline for comments has been extended until July 23, 2009 (based upon the enclosed July 7, 2009 letter issued by the Rockland County Department of Planning), this is to serve as an addendum to those comments:

Water Supply

Appendix B includes a “willingness to serve” letter from United Water New York (UWNY) pertaining to the supply of potable water to the subject development. However, this letter, issued on August 25, 2008 expired nine months from issuance and therefore is no longer valid. An updated willingness to server letter should be provided.

3.6-28

Appendix S of the DEIS includes an “Assessment of United Water New York Water Supply Available for New Projects,” (“assessment”) apparently provided by the Rockland County Department of Health. However, no cover letter was provided indicating the preparer or date of issuance. All information relating to the development of this document should be included within Appendix S. The assessment indicates that projected peak demand for 2008 was 48.4 million gallons per day (MGD) and that United Water New York’s available peak supply capacity, at the time of the report, was 50.5 MGD, indicating a surplus of 2.6 MGD available to serve additional development. However, page 25 (enclosed) of the “Order Approving Merger and Adopting Three-Year Rate Plan,” (“order”) issued by the New York State Public Service Commission (PSC), dated December 14, 2006, indicates the position of Rockland County is as follows:

3.6-29

- “United Water New York has an immediate problem in satisfying peak demand.” and
- “United Water New York has not been able to reliably meet the county’s peak demand since 1990.”

The assessment provided in Appendix S of the DEIS that references the Rockland County Department of Health seems to be contradictory to the information presented within the order. The DEIS should include a written assessment with all supporting data which discusses the ability of United Water New York to deliver the required 198,800 gallons per day (GPD) to this development and how this project’s additional demand may

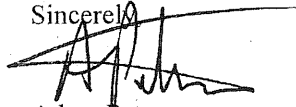
RE: Addendum to Patrick Farm DEIS Comments
July 23, 2009
Page 2 of 2

impact other water users, whom may already experience unreliable water service during peak usage times. The assessment should also include any pertinent information regarding steps taken by UWNY since the drafting of the order in 2006 in an effort to alleviate water shortages during peak demand.

↑ 3.6-29
Con't

DEC thanks you for the opportunity to comment on this project and the DEIS. Please contact me with any questions that you may have at (845) 256-3096.

Sincerely,



Adam Peterson
Environmental Analyst

Enclosures

Cc: Scenic Development, LLC (w/ enclosures)
Dennis Rocks, Leonard Jackson Associates (w/enclosures)
Margaret Duke – R3 Regional Permit Administrator (Via GW)
Lisa Masi, DEC (Via GW)
Brian Drumm, DEC (Via GW)
Natalie Browne, DEC (Via GW)
RCDOH
RCSD #1
United Water New York
USACOE

mechanism, they say, was adopted in 2005 for United Water New Rochelle.

Rockland County states that the new water supply initiative is essential in light of testimony by its witness Miller that, among other things:

- United Water New York has an immediate problem in satisfying peak demand.³⁰
- United Water New York has not been able to reliably meet the county's peak demand since 1990.³¹
- Six projects set forth in a 2000 Master Plan to increase supply by 8.9 mgd yielded only 3.4 mgd.
- A similar but less immediate problem exists with respect to meeting average demand.³²

According to Rockland County, the commitments to increase volumes set forth in Joint Proposal Exhibit 11, and the specific projects to meet short- and intermediate-term commitments set forth in Joint Proposal Exhibit 8, flow directly from independent analyses prepared by the companies and its witness Miller.

Rockland County also emphasizes that the Joint Proposal's terms for a long-term additional supply are neutral as to what project will be selected. Rather, such terms memorialize increased volume commitments that must be met and specific interim milestones that will better ensure the specified in-service date for the new long-term supply will be met as compared to the mere inclusion of a project in a 10-year Master Plan.

The Town of Ramapo and the Fire Chiefs state that they were previously frustrated to the extent they did not know of any plans by the water utility to meet peak demand and average usage growth, and felt that something more specific was needed.

³⁰ Ex. 49, pp. 15-16.

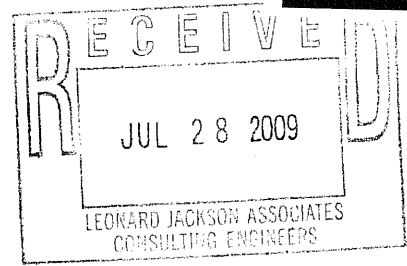
³¹ Id., p. 18.

³² Id., pp. 18 and 25.



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE MILLER
Deputy Commissioner

July 24, 2009

Town Board
Town of Ramapo
237 Route 59
Suffern, NY 10901

Re: Draft Environmental Impact Statement (DEIS) for Patrick Farm

Dear Town Board:

As an ongoing interested party for the New York State Environmental Quality Review Act (SEQRA) process, our department has reviewed the DEIS for the proposed Patrick Farm development. This project is also subject to our review under Section 239-m 3.(a)(i), (ii), (iv), and (v), and Section 239-n 3.(a)(i), (ii), (iii), and (iv) of the New York State General Municipal Law (GML). The subject site has frontage on Routes 202 and 306, and is immediately adjacent to the Villages of Pomona and Wesley Hills, the Mahwah River, and Harriman State Park. State and Federal wetlands are also located on the property. Our review of the DEIS focuses on the impact of the proposed actions on these GML criteria, as well as community character, infrastructure capacity and other issues of countywide concern. It also considers whether the proposed actions are consistent with the goals and objectives of the Town of Ramapo's 2004 Comprehensive Plan and the County's 2001 River to Ridge Plan.

EXECUTIVE SUMMARY

The proposed amendment to the Town of Ramapo's Comprehensive Plan and the Town's proposed Zoning Law Amendment may be subject to additional review under SEQRA because the proposed density was not envisioned or evaluated in the Town's 2004 Comprehensive Plan or the Generic Environmental Impact Statement prepared for the Town's Comprehensive Plan. Supplemental Environmental Impact Statements (EIS) are addressed in Section 617.9(7) of the SEQRA regulations. Section 617.10.(d)(4) states that "a supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts."

3.4-50

The Notice of Completion of the Draft EIS indicates that the action being considered under SEQRA is the Zone Change Petition for Patrick Farm. The amendment to the Comprehensive Plan and the Zoning Code Amendment are not addressed in the Notice of Completion document. However, on Page 1-3 of the Executive Summary of the DEIS, it states, "the action includes assessment of the potential impact of the development of the project, the proposed zoning map and text amendments in addition to the revision of the Town's 2004 Comprehensive Plan as it relates to the Patrick Farm property." It appears that the Town is considering the environmental impacts of the amendment to the Comprehensive Plan and the Zoning Code Amendment while concurrently assessing the environmental impacts of the proposed zone change and mixed density residential development. A separate supplemental EIS may be a more appropriate approach for the amendment to the Comprehensive Plan and the Zoning Code Amendment rather than incorporating all of the actions into one document. If the amendment to the Comprehensive Plan is revised, it would follow that the Zoning Code amendment and development proposal would also have to be revised. As noted on Page 1-3, "As the SEQRA process continues, the site plan will be refined and revised based on input from the various agencies having review responsibility for the proposal."

3.4-50
Con't

On Page 1-4, in the discussion of sustainability in Section 1.2, the values for total operating energy use per household are indicated for an average single-family lot, an attached townhouse and low-rise apartments. An average single-family lot is considered a higher residential energy use than attached townhouses or low-rise apartments. A comparison of the total operating energy use for the 136 single-family residences allowed under R-40 zoning and the 497 residential units proposed in this mixed-density development should be provided. Even if single-family residences are higher energy users than individual units in multi-family residences, significantly fewer units could be built under the current R-40 zoning. As a result, the proposed rezoning would result in a higher overall consumption of energy resources.

8.0-2

The potential impacts of this project on land use and zoning are discussed in Section 1.4.4 of the Executive Summary. It is stated that "based upon the area of single family houses to encircle the multi-family development, the existing residential character of the adjacent areas to the north, south and east will be preserved." This passage goes on to state, "preservation of areas of open space and significant landscape buffer areas will further reduce the impacts to community character." The conclusion is that no significant adverse impacts to community character and development trends are expected from the proposed action. Introducing a sizable new development with permitted densities of up to eight units per acre where all the surrounding residential densities range from approximately one unit per half-acre to one unit per two acres raises issues of community character. The issue is further raised by the new development's proposed use of townhouses, condominiums and rental apartments as the predominant residential unit types in an area where the surrounding residential type is single-family homes. Since this will be the effect of the proposed re-zoning, we recommend that the Town carefully consider the benefits and detriments of the changes to the community character that will occur as a result of the zone change.

3.4-30

It is incorrectly asserted on Page 1-15 of Section 1.4.4 that the proposed future use of the Patrick Farm is consistent with the Rockland County Comprehensive Plan. The River to Ridge Plan recommended a Rural Residential zoning designation for this property with a minimum lot area requirement of 80,000 SF.

3.4-3P

Transportation issues are summarized in Section 1.4.5. The information about New York State Department of Transportation (NYS DOT) improvement plans for the Thiells-Mt. Ivy Road and Routes 202 and 45 must be updated since it references a 2006 completion date.

3.5-18

The potential impacts on adjacent property values are discussed on page 1-29 of Section 1.4.7 (Fiscal Resources). The proposed development is compared to Crystal Hill, a multi-family development located further east on Route 202. An analysis evaluating the impact of Crystal Hill on property values concluded that market values were not impacted by the large scale multiple residences nearby. This is not a valid comparison for several reasons. The area surrounding Crystal Hill is very different than the residential neighborhoods adjacent to Patrick Farm. Commercial properties are located on the north side of Route 202 and multi-family developments are situated directly east and west of Crystal Hill. A medium density residential neighborhood of single-family dwellings on smaller parcels is located behind the commercial properties on Route 202.

3.7-13

In summarizing the project alternatives, it is stated on Page 1-38 that there would be no increase in the diversity of housing in the Town of Ramapo under the single-family home alternative allowed as-of-right in the R-40 zoning district. The 2004 Comprehensive Plan did not envision diverse housing options in this part of the Town. Multi-family zoning districts were created for several sites in the Monsey area in close proximity to Route 59.

5.0-2

The final section of the Executive Summary is incorrectly labeled. The Permits and Approvals section should be 1.6. The Municipal approvals by the Town of Ramapo Town Board should include the review of the Comprehensive Plan Amendment.

2.0-18

PROJECT DESCRIPTION

The DEIS purports that the proposed rezoning of 61 acres of the 208.5-acre Patrick Farm site from R-40 to MR-8 to allow mixed density residential development is consistent with the goals and objectives of the Town's Comprehensive Plan adopted in 2004. The applicant is relying on a very general housing goal that states, "Address the Town's housing needs and provide for a diversity of housing opportunities for the Town's growing and changing population." The 2004 Plan was very specific about the appropriate placement of multi-family housing developments. On page B-1, it is noted, "... there is still a growing need to significantly increase the variety of housing stock within the unincorporated area of the Town, particularly within certain areas such as Monsey." The recommended criteria for placement within a multi-family district are listed on pages B-5 and B-6. The Patrick Farm site does not meet several of the recommended criteria. The site is not located on Route 59, it is not within an area that contains existing high density residential or commercial development, and it does not have pedestrian access or is not within close proximity to community shopping. The existing sewer infrastructure cannot accommodate this proposal. The site is encumbered by environmental constraints such as steep slopes, wetlands, streams, and floodplains.

3.4-16

The 2004 Plan recommended specific areas for placement within a multi-family district on Page B-6. Based on the placement criteria, the most appropriate locations for multi-family districts were determined to be within and around the Route 59 corridor in central Monsey. Specific properties were identified. Patrick Farm was not amongst these properties.

3.4-7G
Can't

The nine parcels that make up the Patrick Farm site are listed on Page 2-2. Lot 32.11-1-15 is included in the minimum lot area calculation. This 12.1-acre parcel is located on the north side of Route 202 and is not contiguous to the larger site. NYSDEC wetlands comprise 8.46 acres or almost 70 percent of the smaller site. The DEIS must address whether including a non-contiguous parcel is permitted in the Town's Zoning Code.

2.0-19

Table 2-1 on Page 2-4 should include a comparison of the proposed residential density based on the net lot area of the site. Given the environmental constraints and the utility easements on this parcel, the required lot area deductions are significant. Using the net lot area to determine the residential density allows for a more accurate evaluation of the impact of these encumbrances.

2.0-20

The reference to the Rockland County Department of Planning with respect to the coordination of a bus stop location is incorrect. The Rockland County Department of Public Transportation handles these matters. After reviewing the plans, the Rockland County Department of Public Transportation has determined that entering the housing complex would not be feasible. While the TOR 95 bus route passes by the property on Route 306, entering the complex would add too much time to the route. It would also be dangerous for the bus to travel on such narrow roads. However, if a concrete pad were to be placed on Route 306 along the east side of the property, the Department of Public Transportation would provide a permanent bus shelter. A companion stop would also have to be located on the opposite side of Route 306.

2.0-21

The Conceptual Landscape Plan is discussed on Page 2-6. It is stated that the perimeter of the site would be amply landscaped with a mixture of deciduous and evergreen trees to screen the residential development from adjoining properties and roads. The location of the 61.3 acres to be rezoned in the central portion of the site is noted, as well as the fact that the surrounding single-family development and the proposed landscaped areas would visually insulate this area. A Construction Section Schedule is presented on Pages 2-6 and 2-7. Section 1 involves the construction of 49 percent of the multi-family units. Only 19 percent of the single-family residences will be constructed during this phase. The remaining 51 percent of the multi-family units will be constructed during Sections 2 and 3. Another 24 percent of the single-family residential lots will be constructed in Section 4. An additional four sections are proposed to complete construction of the remaining 57 percent of the single-family residences. The only overlap that may occur is grading and landscaping taking place on one portion of the site while construction is going on at another location. This construction section schedule raises a number of issues. How will the ring of single-family residences around the perimeter of the site buffer the view of the multi-family development if the majority of these residences are not constructed until the final phases of construction? Based on the five-year time frame, it is very likely that adjacent property owners will have a clear view of the multi-family housing for several years as clearing and grading precedes construction of the R-40 zoned

2.0-22

area. Interim visual mitigation measures necessary to screen views of this construction activity and the multi-family residences from the adjacent properties must be addressed in the DEIS. In addition, future market conditions may make it economically infeasible to complete the final phases of this proposal, which is planned to provide the transition of multi-family residences to the rural residential areas in the surrounding villages.

2.0-22
con't

The Ramapo Commons Market Analysis is discussed on Page 2-11. It notes that there is a critical need for market and affordable multi-family units to service the region. The Terrace View project is also mentioned. The DEIS implies that sales activity for this development is brisk. The numbers presented in the DEIS indicate that less than one-third of the 140 units actually built have been sold. It is not clearly demonstrated in the DEIS that housing for a wider range of income levels will be provided. Of the 497 proposed units, 19 percent can be considered affordable. Page 2-12 states that "the applicant is not proposing housing wherein the residents must meet affordability criteria set by the Rockland County Housing Coalition or other similar agency." It is therefore not clear how eligibility for the 72 workforce condominium flats or the 24 rental apartments will be determined.

2.0-23

In referencing the Rockland County Comprehensive Plan, the DEIS incorrectly states on page 2-12 that the River to Ridge Land Use Plan specifically designated Route 202 adjacent to the project site as a limited business corridor and that the County Plan envisioned potential light industrial uses at this site. River to Ridge very clearly recommended a rural density zoning district designation for this parcel. A minimum lot area requirement of 80,000 SF was specified. The light industrial zoning was proposed on Route 202 east of Camp Hill Road, almost a mile east of Patrick Farm.

2.0-24

ENVIRONMENTAL SETTING, POTENTIAL IMPACTS AND MITIGATION

Geology, Soils and Topography

Soil impacts are discussed on Page 3.1-7. There are development limitations associated with each soil type found on the Patrick Farm site. Significant mitigation is required to deal with the wet soils and the steep, rocky soils. These soil limitations must be properly addressed and mitigated to ensure that future residents are not subject to flooding and drainage issues.

3.1-9

Surface Water Resources

Best Management Practices for soil erosion control are outlined on Page 3.1-12. It is unclear how soon some disturbed areas will be stabilized. If work will not commence in an area for more than 15 days but less than 30 days, will those soils be temporarily seeded or mulched? This section seems to imply that these areas could be unstable for two to four weeks. Significant erosion could occur within such a timeframe. In areas where work will not commence for more than 30 days, will temporary stabilization measures be installed immediately? On Page 3.12-6, a seven-day time frame is discussed. The timing of temporary stabilization measures must be clarified.

3.2-20

Land Use and Zoning

It should be noted within the initial discussion of the Highlands Region Study on Page 3.4-3, that a substantial portion of the Patrick Farm site is designated as having a "moderate" to "higher" resource value according to Rutgers University and the United

3.4-51

States Department of Agriculture Forest Service Highlands Regional Information System database.

↑ 3.4-51
con't

As noted in our GML review of the proposed amendments to the Comprehensive Plan and the Zoning Code, it has not been satisfactorily established that proposed mixed density development would be compatible with the community character and trends of the project's surrounding area. While increasing residential density and the variety of housing opportunities in the Town of Ramapo were general goals of the Comprehensive Plan, very specific areas in Monsey were identified as appropriate locations for multi-family housing. The eight-fold increase in residential density permitted in the MR-8 zoning district will impact the community character of the surrounding area, and will not conform to the existing land use pattern.

] 3.4-1H

The statement on Page 3.4-11 that the proposed development plan incorporates the benefits of a clustered development by providing a balance between accommodating additional population growth and preserving the site's existing natural resources can be questioned. The residential clustering that was recommended for the Patrick Farm site in the Town's Comprehensive Plan did not involve an increase in residential density. The same number of single-family residences would be permitted on smaller lots in a cluster subdivision in order to preserve larger areas of undisturbed open space. The proposal to allow "a greater core density and lower density in the periphery" cannot be compared to average density or a concentric zoning scheme. Traditional concentric zoning results in a gradual change in densities. The location of the MR-8 zoning district immediately adjacent to an R-40 zoning district is not transitional in nature. This area of unincorporated Ramapo was not envisioned as appropriate for multi-family development in either the Town's Comprehensive Plan or the County's River to Ridge Plan. The most appropriate locations for multi-family zoning districts were determined to be within and around the Route 59 corridor in central Monsey.

] 3.4-1I

The proposed action is not consistent with the goals and objectives of the County's River to Ridge Plan despite numerous references to the contrary throughout this document. The County Plan clearly recommended that the existing Rural Residential (RR-80) zoning designation be maintained.

] 3.4-3Q

Transportation

On Page 3.5-24 the discussion of the Site Access at NYS Route 306 incorrectly references US Route 202.

] 3.5-19

As noted above, the Rockland County Department of Public Transportation has determined that it is not feasible for TOR buses to enter the proposed housing complex.

] 3.5-20

Community Services

Table 3.6-1 illustrates demographic multipliers for population projections for this proposal. A total population of 1,932 is projected based on a multiplier of 3.83 for the townhouses and condominium flats, 4.52 for the single-family homes and 2.51 for the rental apartments. These multipliers seem low given that the number of bedrooms in the townhouses and condominium flats is four and in the single-family homes is five. Appendix B contains correspondence between the applicant's consultants and various

] 3.6-30

emergency service and utility providers. A total potential population of up to 2,300 persons is referenced in these letters. The analysis of the potential impacts of this project on the water supply uses a worst-case scenario that translates into a population of 2,650 rather than the projected population of 1,932 residents. This 37 percent difference is significant and perhaps a more accurate population projection. This department used the 2,650 figure to calculate the applicable multipliers for each type of housing. By our calculation, the multiplier for townhouses and condominium flats would be 5.25 and 6.60 for single-family residences. A consistent population projection figure should be used throughout the DEIS.

3.6-30
con 4

The DEIS inaccurately states that the RCSD #1 has adequate capacity to treat the Patrick Farm sewage. Since the Route 202 Pump Station is currently operating at capacity and does not have the capacity to convey sewer discharges generated by Patrick Farm, then the RCSD #1 can only treat the Patrick Farm sewage if required improvements are made to the Route 202 pump station and local sanitary sewer infrastructure "down-gradient" of the Pump Station.

3.6-31

Aesthetic Resources

On Page 3.9-3, the existing visual character of the site is described as rural, consisting of woodland, a large wetland along NYS Route 202, and scattered older single-family residences. The nearby Ramapo Mountains in Harriman State Park are recognized as contributing to the overall rural and scenic character of the area.

3.9-9

It appears that several variances from the Scenic Road District Law may be required. Lot 79 does not meet the double side and rear yard setback requirements. It is difficult to evaluate the extent of this deficiency since the match lines for Section 1 and 2 of the March 17, 2009 maps run directly through Lot 79. This lot is steeply sloped and has a very linear configuration. It is also isolated from the other single-family residences and is in close proximity to multi-family units.

3.9-10

Given that historic resources are located on Lots 8 and 51, it should be clarified that they meet the double side and rear yard setbacks required in Scenic Roads District Law. The DEIS only indicates that an access easement will be provided on Lot 8 for the Elias Conklin cemetery and on Lot 51 for the J. Mather farmhouse stone foundation.

3.9-11

While the common driveways proposed for Lots 1, 2 and 3, 13 and 22, and 67 and 69 do reduce intrusions into the open space areas, they also enable the applicant to create building lots that could not have been accessed individually without great difficulty. The proposed development layout cannot be considered a cluster subdivision which is the preferred residential land development type within, adjacent to, or affecting the character of the Scenic Road District. It is unclear whether the 15 to 120-foot undeveloped area proposed along Routes 202 and 306 meets the requirement to preserve existing vegetation to screen structures from public view within the Scenic Road District. Variances will be required for the removal of all trees exceeding 8" dbh and cutting of contiguous areas of existing woods exceeding 20,000 SF. The extent to which this is required must be quantified.

3.9-12

On Page 3.9-8, the changes in views from nearby locations are discussed. New landscaping, combined with existing trees, is proposed as a means of mitigating the view. A naturalistic or a more manicured landscaping style will be determined during the DEIS review process to be compatible with the natural setting. By definition, manicured landscaping styles are not compatible with the natural setting.

3.9-13

ALTERNATIVES

In the discussion of the No Action, No Zone Change and Adult Student Housing Alternatives, it is repeatedly emphasized that the need for a diversity of housing options in the Town of Ramapo would not be met. Multi-family housing districts were established in the Monsey vicinity to meet the need for a diversity of housing options. Most of these sites have not yet been developed.

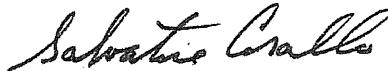
5.0-3

The alternatives section should include a thorough evaluation of a clustered subdivision scheme under the R-40 zoning designation. Clustering was recommended for this site in the Town's Comprehensive Plan as a means of preserving and protecting its natural features. This option is not addressed in the Alternative Section of this document. The only references to clustering are when a comparison between the benefits of a clustered subdivision and this mixed-density development are discussed. There are no similarities in these two forms of residential development.

5.04

Thank you for the opportunity to comment on the DEIS for these actions. If you require additional information, please contact the Rockland County Department of Planning at (845) 364-3434.

Sincerely,



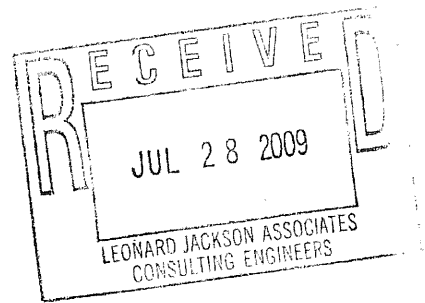
Salvatore Corallo
Commissioner

C: Supervisor Christopher St. Lawrence
Alan Simon
New York State Department of Transportation
New York State Department of Environmental Conservation
United States Army Corps of Engineers
Rockland County Drainage Agency
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Sewer District No. 1
Rockland County Office of Fire and Emergency Services
Rockland County Planning Board
Leonard Jackson Associates
Villages of Pomona and Wesley Hills
Tim Miller Associates



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
50 Sanatorium Road
Pomona, New York 10970
(845) 364-3434
Fax. (845) 364-3435



C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

July 24, 2009

Ramapo Town Board
237 Route 59
Suffern, NY 10901

Tax Data:	32.11-1-16	32.11-1-15	32.11-1-14	32.11-1-13	32.11-1-12	32.11-1-4
	32.11-1-3	32.11-1-2	32.14-2-3			

Re: **GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

Date Review Received: 5/1/2009

Map Date:

Item: *AMENDMENTS TO RAMAPO'S COMPREHENSIVE PLAN AND ZONING MAP (R-2040C)*

Amendment to the Comprehensive Plan and the Zoning Map to change the zoning designation of a 61.3-acre portion of a 208.5-acre parcel from R-40 to MR-8 to allow a mixed-density residential development consisting of 497 dwellings.

South of the intersection of Route 202 and Route 306; east side of Route 202, west side of Route 306 and north side of Scenic Drive

Reason for Referral:

Route 202, Route 306, Village of Pomona, Village of Wesley Hills, Mahwah River, Harriman State Park, State and Federal Wetlands

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

The Town of Ramapo's 2004 Comprehensive Plan recommended that the Patrick Farm property be downzoned from RR-80 and RR-50 to R-40. This department issued a General Municipal Law review of the proposed Comprehensive Plan on December 22, 2003. At that time, we noted that the proposed rezoning of the Patrick Farm property would be inconsistent with the concentric zoning concept that starts with higher densities in urbanized centers such as Monsey and moves to lesser and lesser density as you progress outward from these urbanized areas. This concentric zoning concept was espoused in both the Ramapo Comprehensive Plan and the County's River to Ridge Plan. Our GML recommendation was that the Town either 1.) keep the current zoning on this tract as RR-80 or 2.) if the Town deemed that this property should be rezoned, we noted that a RR-50 designation would be the more appropriate designation. RR-50 would be compatible with the R-50 zoning to the south in the Village of Wesley Hills and would be a transition between the R-40 zones to the east in the Village of Pomona and the RR-80 zones north and west on Route 202. The property was rezoned to R-40.

AMENDMENTS TO RAMAPO'S COMPREHENSIVE PLAN AND ZONING MAP (R-2040C)

With regard to the specifics of the proposed amendments to the Comprehensive Plan and Zoning Map, we offer the following comments.

1 The proposed amendment to the Comprehensive Plan and the Zoning Law amendment required to implement it may be subject to additional review under the New York State Environmental Quality Review Act (SEQRA) because the proposed density was not envisioned or evaluated in the 2004 Comprehensive Plan or the Generic Environmental Impact Statement. Supplemental EISs are addressed in Section 617.9.(a)(7) of the SEQRA regulations. Section 617.10.(d)(4) states that "a supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts." The Notice of Completion of the April 2009 Draft EIS indicates that the action being considered under SEQRA is the Zone Change Petition for Patrick Farm. The amendment to the Comprehensive Plan and the Zoning Law amendment are not addressed in the Notice of Completion document. However, on Page 1-3 of the Executive Summary of the DEIS, it states, "the action includes assessment of the potential impact of the development of the project, the proposed zoning map and text amendments in addition to the revision of the Town's 2004 Comprehensive Plan as it relates to the Patrick Farm property." It appears that the Town is considering the environmental impacts of the amendment to the Comprehensive Plan and the Zoning Law amendment while concurrently assessing the environmental impacts of the proposed zone change and mixed density residential development. A separate supplemental EIS may be a more appropriate approach for the amendment to the Comprehensive Plan and the Zoning Law amendment rather than incorporating all of the actions into one document. If the amendment to the Comprehensive Plan is revised, it would follow that the Zoning Law amendment and development proposal would also have to be revised. As noted on Page 1-3 of the DEIS, "As the SEQRA process continues, the site plan will be refined and revised based on input from the various agencies having review responsibility for the proposal."

3.4-50

2 This property has a long history of both proposed and enacted changes in its zoning designation during the Comprehensive Plan process and while under the same ownership. Twenty-five percent of the site is subject to environmental constraints and other encumbrances including wetlands, the 100-year floodplain, lands underwater, steep slopes, and overhead utility easements. It is surrounded by rural and low-density neighborhoods. The site is suitable for low-density residential development including a cluster development for the purpose of open space preservation and environmental protection which is consistent with the River to Ridge Plan recommendations for this area. The special resource overlay zone is also appropriate for this property. The proposed amendments will almost quadruple the current allowable residential density on this site.

3.4-52

3 Under the existing Ramapo Comprehensive Plan, multi-family residential zones were created in Monsey in the vicinity of Route 59 to meet the Town's needs for additional housing, including an increased diversity of housing types and price points to meet the needs of the general population. The County's River to Ridge Plan also recommended that denser residential development be located within existing village centers. Permitting denser residential development in outlying areas of the Town may be inappropriate when areas already identified for multi-family housing in the existing Comprehensive Plan, have not been developed.

3.4-15

AMENDMENTS TO RAMAPO'S COMPREHENSIVE PLAN AND ZONING MAP (R-2040C)

4 As discussed above, traditional concentric zoning represents a gradual change in densities. The location of an MR-8 zoning district immediately adjacent to an R-40 zoning district is not transitional in nature or consistent with the community character of the surrounding rural density zones in unincorporated Ramapo or the low density zones in the adjacent Villages of Pomona and Wesley Hills. A ring of single-family residences around the perimeter of the multi-family housing development may not be a sufficient buffer particularly since the majority of single-family homes will not be constructed until the final phases of the project.

3.4-1K

5 While the proposed groundwater recharge system honors the intent of the Special Resources Overlay Zoning, the proposed development is not the best alternative in terms of minimizing impacts to the on-site environmental resources. The proposed mixed density project consisting of 497-units would disturb almost 33 more acres of this site than the 136 single-family residences permitted as of right under the existing R-40 zoning. The proposed construction disturbance would consist of woodlands and areas of steep slopes in excess of 25 percent.

2.0-25

6 A clustered development alternative was not presented in the DEIS for Patrick Farm. An R-40 cluster development would result in far less site disturbance and larger areas of undisturbed open space thereby preserving more of the site's environmental features in a natural setting.

5.0-5

7 The Villages of Pomona and Wesley Hills are two of the reasons this proposal was referred to this department for review. The Pomona municipal boundary is along the southern and eastern property lines of the Patrick Farm site. The municipal boundary for the Village of Wesley Hills is along the southern and western property lines of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations with respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and such other measures as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining a satisfactory community environment. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result, development occurs in a manner that is supportive of the goals and objectives of the general area.

3.4-53

The Villages of Pomona and Wesley Hills have raised objections to this proposal based on community character issues and infrastructure capacity concerns related to traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Villages of Pomona and Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the proposed amendments to the Comprehensive Plan and the Zoning Map.

2.0-26

AMENDMENTS TO RAMAPO'S COMPREHENSIVE PLAN AND ZONING MAP (R-2040C)

8 The Rockland County Sewer District No. 1 (RCSD No. 1) does not have adequate capacity to treat the Patrick Farm sewage because the Route 202 Pump Station is currently operating at capacity. It does not have the capacity to convey sewer discharges generated by Patrick Farm. The RCSD No.1 can only treat the Patrick Farm sewage if required improvements are made to the Route 202 pump station and local sanitary sewer infrastructure "down-gradient" of the Pump Station. The applicant must address these issues and all other concerns raised in the RCSD No.1's letter of July 7, 2009.

3.6-32

9 Each of the proposed actions has the potential to impact the adjacent state parklands. Therefore, we recommend that Palisades Interstate Park Commission review the proposed amendments to the Comprehensive Plan and the Zoning Map, and the DEIS for the mixed-density residential development proposed for the Patrick Farm site. Their concerns, if any, must be satisfactorily addressed.

3.8-9

10 Given that the site has frontage on two heavily-traveled state highways and site access is proposed via both Routes 202 and 306, the New York State Department of Transportation must review the proposed amendments to the Comprehensive Plan and the Zoning Map to determine how the proposed increase in residential density will impact the carrying capacity of these roadways.

3.5-21

11 The proposed amendments will result in a more extensive subdivision of this property than is permitted under the existing R-40 zoning. As required by the Rockland County Stream Control Act, future subdivision plans must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

3.2-21

12 The proposed amendments must be reviewed by the Rockland County Drainage Agency due to the site's proximity to the Mahwah River and its location within the 100-year floodplain.

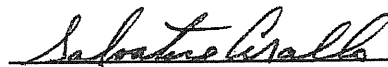
3.2-22

13 The proposed amendments must be reviewed by the New York State Department of Environmental Conservation so that they can evaluate the impact of the proposed residential density on the state wetlands.

3.3-18

14 The proposed amendments must be reviewed by the United States Army Corps of Engineers so that they can evaluate the impact of the proposed residential density on the federal wetlands.

3.3-19



Salvatore Corallo
Commissioner of Planning

- cc: Supervisor Christopher St. Lawrence, Ramapo
- New York State Department of Transportation
- New York State Department of Environmental Conservation
- United States Army Corps of Engineers
- Rockland County Drainage Agency
- Palisades Interstate Park Commission
- Rockland County Department of Health
- Rockland County Sewer District #1
- Rockland County Office of Fire and Emergency Services
- Rockland County Planning Board
- Leonard Jackson Associates
- Pomona, Wesley Hills

AMENDMENTS TO RAMAPO'S COMPREHENSIVE PLAN AND ZONING MAP (R-2040C)

Tim Miller Associates, Inc.

Alan Simon, Director of Planning

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

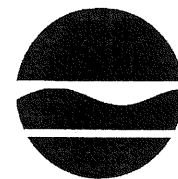
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3000 • FAX: (845) 255-4659

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

July 28, 2009

DENNIS ROCKS
LEONARD JACKSON ASSOCIATES
26 FIREMANS MEMORIAL DRIVE
POMONA, NY 10970

RE: DEC Pre-Application #3-3926-00570/00002
Patrick Farm
497 Residential Units on 208 Acres
Town of Ramapo, Rockland County

Dear Mr. Rocks,

On June 16, 2009 the New York State Department of Environmental Conservation (DEC or Department) issued a resource and jurisdictional determination (enclosed) regarding resources located within the above referenced 208 acre parcel located within the Town of Ramapo. Within that determination, the Department indicated that a Protection of Waters permit is required for any disturbance within the bed or banks of the two Class B tributaries to the Mahwah River (Water Index No's NJ 11-12 and NJ 11-14) located within the subject parcel. The Department also indicated that a dam safety permit is required for any proposed modification to the on-site earthen dam, which is located at the outlet of an on site "farm pond." In addition, the Department offers the following:

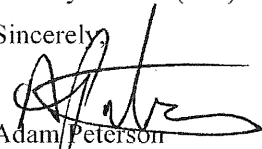
3.3-20

The farm pond referenced above and within the June 16, 2009 jurisdictional determination is located within a tributary to the Mahwah River (NJ 11-12 noted above). As an in-stream pond, it is regulated as part of the Class B stream and therefore any disturbance within the bed or banks of the farm pond requires a Protection of Waters permit from this Department.

Be advised that regulations applicable to the subject location are occasionally revised and the applicant should verify the need for permits if the project is delayed or postponed. It is possible that the DEC permit requirements noted above and within the June 16, 2009 jurisdictional screening may change based upon additional information received or as project modifications occur. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified.

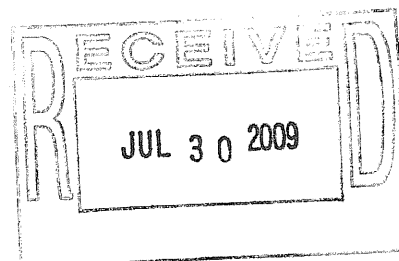
Contact me with any questions or concerns that you may have at (845) 256-3096.

Sincerely,


Adam Peterson
Environmental Analyst

Enclosure

Cc: Scenic Development, LLC (w/enclosure)
Town of Ramapo Town Board (w/enclosure)
Brian Drumm, DEC
USACOE (w/enclosure)





COUNTY OF ROCKLAND
DRAINAGE AGENCY
Division of the Highway Department
23 New Hempstead Road
New City, New York 10956
(845) 638-5081
Fax. (845) 708-7116
Email: highway@co.rockland.ny.us

C. SCOTT VANDERHOEF
County Executive

CHARLES H. VEZZETTI
Superintendent of Highways
Chairman, Drainage Agency

EDWARD F. DEVINE
Executive Director

July 30, 2009

Scenic Development, LLC
3 Achel Street
Monsey, NY 10952
Attention: Yechiel Lebovits

Re: RCDA Permit Application No. 09-14
Patrick Farm
Section 32.11, Block 1, Lots 2, 3, 4, 12, 13, 14, 15 and 16,
Section 32.14, Block 2, Lot 3
Town of Ramapo Tax Map
Resource: Mahwah River

Dear Mr. Lebovits:

The Rockland County Drainage Agency (RCDA) has received and reviewed the following information submitted to the RCDA regarding the above-mentioned permit application:

- A. **“Rockland County Stream Control Act Permit Application” signed by Yechiel Lebovits, dated June 17, 2009,**
- B. **“Patrick Farm Stormwater Pollution Prevention Plan”, report dated August 21, 2008, prepared by Leonard Jackson Associates, signed and stamped by Leonard Jackson, P.E., with the following drawings (not signed and stamped) dated July 18, 2008, unless noted otherwise:**
 - a) **“Erosion & Sediment Control Plan (1 of 3)”, Drawing No. 6, dated August 21, 2008,**
 - b) **“Erosion & Sediment Control Plan (2 of 3)”, Drawing No. 7, dated August 21, 2008,**
 - c) **“Erosion & Sediment Control Details (3 of 3)”, Drawing No. 8, dated August 21, 2008,**
 - d) **“Overall Existing Drainage Area Map”, Drawing No. 2,**
 - e) **“Onsite Existing Drainage Area Map”, Drawing No. 3,**
 - f) **“Overall Proposed Drainage Area Map”, Drawing No. 4,**
 - g) **“Onsite Proposed Drainage Area Map”, Drawing No. 5,**
 - h) **“Onsite Proposed Recharge Map”, Drawing No. 6,**
 - i) **“Soil Types Overlayed on Ex Drain. Area”, Drawing No. 7,**
 - j) **“Soil Types Overlayed on Pr. Drain. Area”, Drawing No. 8,**
 - k) **“Overall WQ & Recharge Basins Location”, Drawing No. 9; and**
 - l) **A Sketch of “Typical Leaching Basin Recharge System for Single Family Lots”.**

- C. **“Patrick Farm” drawings listed below prepared by Leonard Jackson Associates, signed and stamped by Leonard Jackson, P.E., dated August 21, 2008 and last revised on March 17, 2009:**
- a) **“Key Map and List of Drawings”, Drawing No. 1,**
 - b) **“Grading & Drainage Plan (1 of 2)”, Drawing No. 2,**
 - c) **“Grading & Drainage Plan (2 of 2)”, Drawing No. 3,**
 - d) **“Utility Plan (1 of 2)”, Drawing No. 4,**
 - e) **“Utility Plan (2 of 2)”, Drawing No. 5,**
 - f) **“Erosion and Sediment Control Plan (1 of 3)”, Drawing No. 6,**
 - g) **“Erosion and Sediment Control Plan (2 of 3)”, Drawing No. 7; and**
 - h) **“Erosion and Sediment Control Plan (3 of 3)”, Drawing No. 8.**

The drawings provided with the permit application appear to be conceptual in support of an application for preliminary approvals from the Town of Ramapo. As such, the level of detail necessary for the issuance of a permit from the RCDA has not been developed. However, the RCDA welcomes the opportunity to provide comments at this time to provide guidance to the applicant as the plans are further developed.

Based on a review of the materials submitted, the RCDA offers the following general comments:

- 1) Please have the Name and License Number of the Professional Engineer and/or Registered Architect printed on all drawings submitted as part of the application for permit. The drawings included in the Stormwater Pollution Prevention Plan (SWPPP) are not signed and stamped or sealed by a Professional Engineer and/or Registered Architect licensed in the State of New York as required.] 3.2-23
- 2) The “Plan Components” section of the Stormwater Pollution Prevention Plan (SWPPP) report indicates that the maximum disturbance for construction at any one time is 5 acres, however, no phasing plan has been provided. Please provide the construction-phasing plan as referenced in the SWPPP demonstrating that no more than 5 acres will be disturbed at any given time with phase specific erosion and sediment control measures in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.] 3.2-24
- 3) In accordance with Section 6.1.1 of the New York State Stormwater Management Design Manual (NYSSMDM), “Stormwater wetlands shall not be located within jurisdictional waters, including wetlands.” Contrary to this, an ACOE wetland has been proposed as a detention pond to control the increase in stormwater quantity due to the proposed impervious surfaces. Please review and revise as necessary.] 3.3-21
- 4) Please provide the RCDA with a soil permeability field test location map and test data for review.] 3.1-10
- 5) Please provide a copy of the acknowledgement letter from the New York State Department of Environmental Conservation indicating that the applicant has filed the Notice of Intent for Stormwater Compliance.] 3.2-25
- 6) In accordance with Chapter 846, Rockland County Stream Control Act, please provide the RCDA with an environmental impact statement for the proposed project that provides sufficient information and details of the upstream and downstream impact of the proposed project with respect to the impact on aquatic life and habitat, fauna, biota, vegetation and wetlands. The environmental impact statement should also identify and describe any mitigating measures that will address the potential environmental impacts of the proposed project.] 3.2-26

7) Please provide certification from the Floodplain Administrator for the Town of Ramapo that the proposed construction is in compliance with Chapter 196, "Floodplains Local Law No. 8-1987", Town of Ramapo Town Code, as adopted by the Town of Ramapo.

3.2-27

8) The drawings indicate that the site contains both state and federal wetlands. Permits and approvals for the proposed project may also be required from the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers for wetland disturbances. The RCDA recommends that the applicant check with consultants to determine the status of any permits and reviews that may also be required by the aforesaid agencies concerning the proposed project. Please submit to RCDA any future correspondence between the applicant and these agencies regarding jurisdictional determinations and/or permits issued by New York State Department of Environmental Conservation and/or U.S. Army Corps of Engineers.

3.3-22

The information provided indicates that the project design and methodology is in general compliance with the New York State Stormwater Management Design Manual, with exceptions noted above. The calculations indicate that water quality and quantity measures are proposed for the Phase II stormwater compliance. The calculations also indicate that the intent is to ensure there are no net increases in stormwater runoff from the site. However, the RCDA is unable to perform a comprehensive review at this time as the details of supporting information have not been provided. As discussed in a meeting with the RCDA and the applicant on June 18, 2009, the additional information is to be supplied by the applicant to the RCDA when available.

3.2-28

Please note that all drawings and calculations must be signed and stamped or sealed by a Professional Engineer or a Registered Architect licensed in the State of New York.

3.2-23
con't

As set forth in the permit application guidelines, please provide the requested information in **triplicate**. Please provide the requested information at your earliest convenience in order for the RCDA to continue processing the above-referenced application. Please contact the undersigned if you have any questions or comments regarding this matter.

Very truly yours,



Shajan Thottakara, P.E.
Rockland County Drainage Agency

cc: Charles H. Vezzetti
Kent Rigg, PE
Leonard Jackson Associates
Floodplain Administrator, Town of Ramapo
Town of Ramapo Planning Board

FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation
Rye, New York and Fairfield, Connecticut

350 Theodore Fremd Avenue
Rye, New York 10580

(914) 967-6540 • FAX (914) 967-6615

David H. Stolman, AICP, PP
Michael A. Galante

Joanne P. Meder, AICP

David J. Portman, FAICP

MEMORANDUM

To: Michael Klein – Town Attorney

Date: October 15, 2009

Subject: **Patrick Farms DEIS Review – Final Review Comments:**

General Review Comments:

It is acknowledged that the proposed layout is a conceptual plan for a zone change and is not intended for site plan review. It will be subject to full subdivision and site plan review by the planning board.

The Patrick Farm development (the proposed action), would consist of 497 residential units including 87 single family homes, and 410 multifamily homes composed of 314 market rate townhouse units, 72 workforce condominium flats and 24 rental apartments which would be set aside for community service workers. The project sponsor's intention is to address a need for an increase in the diversity of the housing options in the Town and in the metropolitan region. The project sponsor believes this project addresses the need for multifamily dwellings in an area where the supply is limited.

The proposed action would include a map change to re-zone a portion of the site (approximately 61.3 acres) from R-40 to MR-8. The single family component would remain in the R-40 zone. The project was designed with the single family component set around the perimeter of the site to reflect the character of the existing nearby neighborhoods, while the multifamily housing would be located in the center portion of the site. The perimeter of the site would be landscaped with a mixture of deciduous and evergreen trees to screen the residential development from adjoining properties and roads. Native vegetation is proposed for landscaping plantings wherever practical. Existing vegetation is proposed to be retained around most of the perimeter and in areas of the interior of the site including wooded wetland and stream corridor areas.

The project site is located east of US Route 202 and west of NYS Route 306, in the Town of Ramapo. The project site has direct access to US Route 202 and NYS Route 306. US Route 202 is a major east/west route and provides direct access to the Palisades Interstate

Parkway less than 2 miles from the project site. NYS Route 306 is a major north/south route from Route 202 to Route 59 in Monsey. Access to the major interstate Route 87/287 is via the Palisades Interstate Parkway.

This is a Town Board action. The action includes assessment of the potential impacts of this development for the sake of evaluating the request for rezoning of the property and the proposed zoning map amendments in addition to revision of the Town's 2004 Comprehensive Plan as it relates to the Patrick Farm property.

This review focuses on the environmental impacts of the project and comments on the site plan review will be limited to site plan issues that address environmental concerns.

General Comments:

- 1. The Comprehensive Plan recommended clustering for this parcel. Is there a way to cluster to preserve additional open space on the single family homes?] 2.0-27
- 2. Cut and fill figure 3.1-7 shows that most of the site is either cut or fill. It is noted that the DEIS notes the sensitive nature of the site with streams, ponds and wetlands. It would appear that the design for the site should follow the contours – stepping up or down slopes as appropriate instead of such substantial grading. This is a major impact that can be mitigated. Please demonstrate why designs with less cut and fill could not be utilized.] 3.1-11

Land Use Comments:

The applicant indicates that the proposed use fits into the character of the neighborhood. Additional background information should be provided to support this contention.] 2.0-28

Infrastructure:

- 1. Water – the applicant should show the Rockland County Department of Health water status. Does the website show sufficient water for this development in its allowable capacity?] 3.6-33
- 2. Sewer – please show map of required improvements for Pump Stations and force mains] 3.6-34

Visual:

- 1. There are visual impacts associated with the design as proposed. The private roads and buildings are aligned with long double sided perpendicular parking spaces. This proposed garden apartment style design would be partially visible from the site's proposed single family neighborhood and Route 202. Although this would mostly affect the interior site aesthetic, it may also be visible from] 3.9-14

outside the site. The applicant may wish to consider revising parking areas where practicable. The visualizations show large trees surrounding the multifamily dwellings where the site planning maps show that these trees have been removed.

3.9-14
con't

2. Blasting as noted on top of high points should be avoided as should any destruction of the ridgeline. The ridgeline should be treated sensitively and avoided where possible. It is noted that the Applicant has included project modifications to preserve the top of the ridgeline and that the rest of the ridge in the southwest portion of the site remains undisturbed.

3.9-15

3. The visual impacts were assessed in terms of the Scenic Roads District restrictions as required. Approvals for any impacts to this area would be subject to approval during the site review process. Existing stone walls and fences have been preserved where feasible, again subject to site plan review.

3.9-16

4. The photographs shown of the site from the Scenic Overlooks in Palisades Park should show more clearly the impact of removing 60 acres of trees. The image renderings of the views did not appear to show the large cleared areas that will result from the project. Some simulation work was completed from the Scenic Overlooks. Once the multifamily buildings are constructed and that portion of the site is cleared, a clearing of 60 acres as proposed may be visible.

3.9-17

5. Internal visuals were provided which do not appear to adequately assess the loss of mature trees as planned. Significant plantings including large and diverse trees will be required.

3.9-18

6. Although a number of cross sections are provided showing site lines from outside the site additional illustrations of internal views should be needed for this aspect of visual assessment. Large and long parking lots with residences behind are not in keeping with the character of the area. The cross sections should show the view planes more clearly. Vertical differentiation will help to soften the geometry thus reducing the visual impact.

3.9-19

7. Applicant should consider alternate layouts for stepped building designs in an effort to preserve mature trees and minimize impacts to slopes.

3.9-20

Site Circulation:

The comprehensive plan addressed key circulation issues facing the Town of Ramapo including the unnecessary endings of streets with and without cul-de-sacs. Road connections should be completed and cul-de-sacs should be proposed only where no other solution was available. This plan has five cul-de-sacs, two of which are designed to avoid the on-site wetlands and two which are designed to preserve the ridgeline.

3.6-35

Drainage:

The drainage system has been designed in accordance with standard engineering practices. What is missing is a less structural design which would seek to provide a series of water amenities which reflect the sensitive nature of this site. These amenities could be fed with non-structural systems such as rain gardens and underground storage tanks to provide waters for other uses. The basins as proposed do not provide an amenity to enhance the site. They have been designed as a standard add-on which provides a facility for detention instead of designing the detention into the site in a series of visually appealing amenities. It is not that the design is not correct, but that detention could be used as a design feature to supplement the visual environment instead of simply providing an engineered basin for detention. This site offers the capacity for more sensitive treatment of stormwaters which would contribute to the more sensitive design of the overall proposal. Although noted later, there is an opportunity to recoup the energy of the streams to offset the energy consumption of the development. There is an opportunity to enhance the sustainability of the development.

3.2-29

Scenic Roads Local Law: The Scenic Roads district boundary should be shown on all site plans to identify impacts and to guide the site plan. As mentioned earlier, the response to the Scenic Roads provision was limited to doubling of the setback requirements along Route 202. The applicant should provide additional mitigating measures.

3.4-54

Housing Diversity: In terms of diversity of housing, providing the isolated site for workforce housing is not the preferred way to provide more affordable components. Providing lower cost units within a mix of townhouse units including 1, 2, 3 and 4 bedroom communities would be the most effective way to contribute to housing diversity. Inclusion of workforce housing alternatives within the primary development area is the preferred method.

3.4-55

Sustainability: The scoping outline requires an assessment of the sustainability of the proposed development. The work required for this part should include the descriptions of the efforts made to reduce the energy demands of the proposed development. The provision of wind power, solar power or hydro generation efforts should be considered as well as solar hot water heating and geothermal alternatives. The pending SEQR draft recommendations discuss the need to consider these issues.

8.0-3

For example, the first way to reduce the energy footprint of the development is to minimize the size of the individual structures. According to the initial submission, the smallest townhouse is 3,348 square feet while the largest was 3525 square feet. Revisions to the DEIS indicate a reduction in the size of the market rate townhouses to 3000 square feet and a reduction to 1800 square feet for other units.

The energy consumption /sustainable factors to be evaluated should include:

- Additional insulation and energy efficiency
- Smaller footprints and buildings

- Energy producing or reducing techniques (solar/wind/hydro)
- Water re-use; Water saving devices; water heating efficiencies (solar or instant hot water systems)

8.0-3
Con't

The applicant has proposed supplemental solar hot water in the multifamily units and consideration of geothermal heating and cooling in the 24 rental apartments.

The Town has set the tone for these efforts within its own buildings including solar electric for the Town Hall and geothermal heating and cooling of the new public works building.

Design Sensitivity:

The design of the project should be refined to the extent practicable to more closely reflect the sensitive nature of the land of Patrick Farms capitalizing on the site's natural assets and overcoming its liabilities. The assets of this site to focus the design on are:

- Water features including ponds, streams and wetlands
- Slope changes and elevation changes and ridgelines
- Significant forested areas
- Natural vistas
- Archaeological assets

2.0-29

The liabilities that must be overcome are:

- High pressure gas main
- Overhead utility lines
- Slopes in excess of 25%

Growth Inducing Aspects: Pump station increased capacity and force main replacements have been sized to correct the under capacity of the existing pump station as well as to meet the needs of the Patrick Farm project. No additional capacity was included beyond the Patrick Farm requirements.

7.0-1

Miscellaneous Comments

Page 3.4-8 The Comprehensive Plan recommends clustering wherever possible to provide the maximum amount of usable open space. How does this plan respond to the comprehensive plan recommendation? How will open space be maximized by this approach? The DEIS should describe the purpose of the proposed open spaces.

3.4-56

Page 3.4-9 States: "The design concept applies the principles of new urbanism in providing a greater core density and lower density in the periphery. The project's proposed layout is not a clustered design per se but is designed to provide a balance between accommodating additional population growth and preserving the site's existing natural resources, specifically on site wetland and the underlying Ramapo River Aquifer." The question is how this responds to the Comprehensive Plan

3.4-57

recommendations? Cluster and density provisions are defined in the Comprehensive Plan. This proposal does not provide a design based upon the new urbanism philosophy. At a minimum, the comments should be couched with the comment that these are "in the opinion of the applicant". The development provides only two densities, multifamily homes and single family homes.

3.4-57
Con't

The DEIS indicates that development would be located in close proximity to local community shopping – It is noted that there is no shopping within reasonable walking distance which will necessitate using automobiles. This impacts sustainability as well.

3.4-58

The DEIS discusses a "concentric design" However, there is no commercial development in the center – as concentric rings and theory would support; there is no significance to the concentric design in terms of circulation, sustainability and mitigation of impacts.

3.4-59

DEIS states that the design and scale of the proposed action are expected to be compatible with respect to the existing buildings, streets and amenities, and the project's surrounding area. This statement requires further support and explanation as this is certainly not compatible with neighborhoods of single family only homes.

3.4-60

The DEIS should describe how the proposed open space areas provide balance to the developed areas of the site. Effective open spaces provide paths, (other than roads) to link different areas, lead to scenic vistas, and recreation areas as well as vegetated areas to buffer residential developments. The applicant may wish to consider providing community recreation facilities such as a club house, tennis courts, basketball courts and meeting rooms.

2.0-30

The area west of Route 202 is zoned for 80,000 square foot lots and is better than 50% wetlands and wetlands buffer. The DEIS should provide the rationale for using this land area to compute additional density east of Route 202.

3.4-61

Affordability

The term affordable is used, but is not defined as to how affordability was determined. Without the detailed descriptions of how affordable is calculated, there can be no effective analysis of the benefits or appropriateness of the affordable constructs. Please provide the proposed parameters for the pricing or rent level of the housing units and reference any pertinent local or regional standards or examples.

3.7-14

Evaluation of Alternatives:

The DEIS should provide the rationale for selecting the chosen alternative. The applicant should insure that the selected option has the least environmental impacts, or at least that the impacts have been mitigated to a sufficient degree.

5.0-6

This office offers these comments while reserving the right to make additional comments as the design proceeds.

Should you have any questions regarding these comments, please feel free to contact this office.

Kind regards,

John F. Lange
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Frederick P. Clark Associates, Inc.