

**HYENGA LAKE**  
**FINAL ENVIRONMENTAL IMPACT STATEMENT**

TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK

Tax Map Numbers:

Section 57.14, Block 3, Lot 2

**Project Applicant:** HYENGA LAKE DEVELOPMENT, LLC.  
100 Snake Hill Road, West Nyack, NY 10994  
Attention: Howard Hellman  
(845) 358-1200

**Lead Agency:** TOWN OF CLARKSTOWN PLANNING BOARD  
Clarkstown Town Hall  
10 Maple Avenue  
New City, NY 10856-5099  
Attention: Dennis Letson, Deputy Director of the Town of Clarkstown  
Department of Environmental Control  
(845) 639-2111

**Prepared By:** TIM MILLER ASSOCIATES, INC.  
10 North Street  
Cold Spring, NY 10516  
Attention: Ann Cutignola  
(845) 265-4400

**Land Surveyor:** ATZL, SCATASSA & ZIGLER, PC  
234 North Main Street, New City, NY 10956  
Attention: Andy Atzl, P.L.S.  
(845) 634-4694

**Cultural Resources:** CITY SCAPE: CULTURAL RESOURCE CONSULTANTS  
166 Hillaire Circle, White Plains, NY 10603  
Attention: Gail Guillet, RPA  
(914) 328-3032

COLUMBIA HERITAGE, LTD  
56 North Plank Road, Suite 287, Newburgh NY 12550  
Attention: Steve Oberon  
(888) 294-4615

**Stormwater Management:** LEONARD JACKSON ASSOCIATES  
26 Firemans Memorial Drive  
Pomona, New York 10970  
(845) 354-4382

**September 9, 2009**

**HYENGA LAKE**  
**Final Environmental Impact Statement**

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4	Preliminary Cut/Fill Plan
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6	Existing Conditions and Existing Slope Map
7	Preliminary Proposed Disturbed Slope Map
8	Wetlands Disturbance Map
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IV-2	Storm Water Pollution Prevention Plan and Construction Phasing
A-1	107 Units Senior Affordable Housing Site Plan
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## **0.0 INTRODUCTION**

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617. The FEIS provides responses to public comments received by the lead agency on the Draft Environmental Impact Statement (DEIS). The lead agency for this action pursuant to SEQRA is the Town of Clarkstown Planning Board, to which the application described below has been made. SEQRA prescribes that the lead agency is responsible for the adequacy and accuracy of this FEIS.

The FEIS consists of this volume -- and its appendices, accompanying site plan, and referenced technical data -- and the DEIS, which is hereby incorporated by reference into this FEIS.

### **SEQRA Background**

Pursuant to SEQRA regulations an applicant may, at their discretion submit a DEIS for consideration. The Preliminary DEIS (PDEIS, or Draft DEIS prior to adoption) was submitted to the Town of Clarkstown on October 31, 2006 and deemed complete for public review on June 4, 2007. The Planning Board issued a Notice of Completion of the DEIS and a Notice of SEQRA Hearing on July 25, 2007. All property owners within 300 feet received notice by mail. In order to provide adequate public review of the DEIS, the hearing was continued until September 26, 2007, and further held open until closing of the hearing on the DEIS on November 7, 2007. Written comments were received until November 21, 2007.

The full Draft Environmental Impact Statement was prepared, dated June 4, 2007, in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617 for a project of 80 townhouse units to be constructed as-of-right in the existing MF-2 zoning district.

The Final EIS is prepared as an addendum to the Draft EIS. Often the final details of project review and negotiated mitigation measures are presented in the Final EIS and become the basis for the SEQRA findings. In this case, the impacts of the 107 Unit Senior Citizen Affordable Housing, herein referred to as Preferred Senior Housing Alternative, will be discussed as an alternative. An evaluation of the impacts of this alternative compared to as of right development have been assessed and added to the Final EIS. An analysis of a potential Payment in Lieu of Tax (PILOT) tax abatement to provide affordable housing has been included.

### **Summary of the Prior Action - 80 Townhouse Units**

The project site as identified on the Town of Clarkstown tax maps, Section 57.14, Block 3, Lot 2, is approximately 12.4 acres in size. The Project Sponsor, Hyenga Lake Development LLC., intended to remove all existing structures on the site, install the required infrastructure, and develop 80 units of multifamily housing in eleven, two story buildings in response to a continued demand for multifamily housing in the Town of Clarkstown and Rockland County. This project could be developed as-of-right under the existing MF-2 zoning. The project included construction of a new access from Pipetown Hill Road to the project site via construction of a culvert over the Pascack Creek. A secondary access to provide emergency access would be available from NYS Route 59. This secondary access would be provided via a driveway constructed over a deeded easement granted to the Hyenga Lake Development LLC by Wide World Realty, the adjacent property owner to the north.

The units were to have been connected to existing public water and public sewer service. The Project Sponsor estimated that the selling price would be \$250,000 for each one bedroom unit and \$285,000 for each two bedroom unit.

The previous Hyenga Lake site plan design included an infiltration basin to be located in the northeast portion of the site to handle any increase in the rate of stormwater runoff emanating from the post-development project site. A drainage easement to allow the runoff from Pipetown Hill Road to drain into the Pascack Brook had previously been granted by the property owner to the Town of Clarkstown. An additional 75 foot wide drainage easement in the vicinity of the stream channel, granted by the property owner to the Rockland County Drainage Agency allows access along the length of Pascack Brook for the purpose of maintaining drainage.

Approximately 5.2 acres of the 12.4 acre site would have been graded to accommodate the 80 multi-family residences, proposed driveways and parking facilities and lawns and landscaped areas.

### **Summary of the Proposed Action - 107 units of Senior Housing**

The Project Sponsor, Hyenga Lake Development LLC., now proposes to remove all existing structures on the site, install the required infrastructure, and develop 107 units of affordable Senior Housing in two, three story buildings in response to a continued demand for affordable Senior Housing in the Town of Clarkstown and Rockland County. The applicant intends to partner with the Rockland Housing Action Coalition (RHAC) in a not-for-profit endeavor. This action is consistent with the existing MF-2 zoning, under a Special Use Permit, which allows Senior Housing. The newly proposed project continues to include construction of a new access from Pipetown Hill Road to the project site via construction of a culvert over the Pascack Creek. A secondary access to provide emergency access would still be available from NYS Route 59 via a driveway constructed over a deeded easement granted to the Hyenga Lake Development LLC by Wide World Realty, the adjacent property owner to the north.

The units would be connected to existing public water and public sewer service. The proposed project is for 106 one bedroom units and a two bedroom superintendents apartment. The project is to be constructed in two buildings. The first building will contain 66 units of affordable senior apartments and the superintendents apartment. The second building will contain an additional 41 units of affordable senior apartments. The units will be available for rent to qualified senior citizens of the Rockland County with preference being given to Town of Clarkstown residents. The completed project will be managed by the Rockland Housing Action Coalition, which currently has a waiting list of more than 500 qualified applicants for this type of housing, which represents only a portion of the identified need in the Town.

Similar to the previously proposed project, the current Hyenga Lake site plan design includes an infiltration basin to be located in the northeast portion of the site to handle any increase in the rate of stormwater runoff emanating from the post-development project site. A drainage easement to allow the runoff from Pipetown Hill Road to drain into the Pascack Brook had previously been granted by the property owner to the Town of Clarkstown. An additional 75 foot wide drainage easement in the vicinity of the stream channel, granted by the property owner to the Rockland County Drainage Agency allows access along the length of Pascack Brook for the purpose of maintaining drainage.

In the Preferred Senior Housing Alternative approximately 4.6 acres would be graded to accommodate the proposed 107 residential units, driveways and parking facilities, lawns and landscaped areas. There is a reduction in disturbance of 0.6 acres compared to the previous proposal discussed in the DEIS. The impervious area of the Preferred Senior Housing Alternative is 2.83 acres, a minimal reduction of 0.02 acres compared to the previous proposal. Cut and fill amounts would be significantly reduced as shown in Table 1. Total slope disturbance would be reduced from 5.2 acres to 4.6 acres, and steep slope disturbance ( $\geq 15$  percent) would be marginally reduced by 0.02 acres compared to the previous proposal. Similar to the previous proposal, there would be no wetland disturbance as a result of construction of the Preferred Senior Housing Alternative. Table 1 provides a quantitative comparison of the Preferred Senior Housing Alternative and the previous proposal discussed in the DEIS.

Impacts to community services and traffic would be reduced based upon the Preferred Senior Housing Alternative. Impacts to the school district would be reduced due to the change in the demographic nature of the proposed project. Construction traffic impacts would also be reduced, due to the reduction in cut and fill amounts.

In accordance with SEQRA, this FEIS provides written responses to substantive and relevant comments on the DEIS received by the lead agency during the public review period. Complete copies of all written agency comments received on the DEIS are included in Appendix A of this FEIS. Transcripts of the three public hearings are also provided in Appendix A. Comments received on this FEIS, including the 107 Unit Preferred Senior Housing Alternative will be addressed in an FEIS addendum to be circulated to all involved and interested agencies and made part of the Final SEQRA record pertaining to this action.

### **Revisions and Supplements to the DEIS**

As a result of public and agency comment, the project applicant proposed modifications to the 80 unit townhouse plan described in the DEIS. The following is a summary of those plan changes which will continue to be incorporated into the Preferred Senior Housing Alternative.

- There will be a single access to the project from Pipetown Hill Road and an emergency only access to NYS Route 59 via an access easement from the Wide World Property owner to the north. The NYS DOT has stated they will not consider an access to NYS Route 59 other than an emergency access.
- The applicant has agreed to construct an eastbound left turn lane to improve traffic safety and reduce traffic delays along Pipetown Hill Road in conjunction with construction of the Hyenga Lake Project.
- A Conditional Letter of Map Revision CLOMR based upon flood plain conditions without the Hyenga Lake Dam has been issued by letter dated December 26, 2007 from the Federal Emergency Management Agency, FEMA. This letter is included for reference in FEIS Correspondence.
- The most recent Traffic analysis, dated March 3, 2008 supersedes all previous Traffic Analysis. This complete Traffic analysis is herein submitted as Appendix C.

The Preferred Senior Housing Alternative, now being proposed has been developed by the applicant in response to the need for affordable senior citizen housing. As stated in the Letter

from the Town Supervisor, dated January 27, 2009, and included in Appendix B, "The proposed use is allowable by special permit of the Town Board, and while (the supervisor) cannot commit the Town Board to a future vote, both the Town Board and the Planning Board have expressed a preference for the proposed development over the as of right use." Based upon the preference, the applicant is willing to make this improved alternative the project proposed for construction.

The proposed Senior Housing project intends to apply for a PILOT tax abatement, the FEIS includes a revised analysis to assess fiscal impact of this proposal. Impacts to Land Use and Zoning will be discussed based upon the proposed Special Use Permit application. Based upon public comment regarding traffic during the DEIS public hearings a revised Traffic Study, dated March 3, 2008 was prepared. This revised traffic analysis is included in the FEIS as Appendix C. In addition, an updated Storm Water Pollution Prevention Plan has been provided as FEIS Appendix D based upon the revised site layout.

<b>Table 1 Alternative Impact Comparisons</b>				
Area of Concern	<i>80 Units Townhouse DEIS</i>	<i>No Action</i>	<i>Alternate Access NYS Route 59</i>	<i>107 Units Senior Housing Alternative</i>
<b>Land Use</b>				
Impervious Surfaces (acres)	2.85	1.65	2.72	2.83
Total Project Cut (cubic yards)	43,200	0	42,878	29,718
Total Project Fill (cubic yards)	4,200	0	2,557	7,604
Net Cut to be exported (cubic yards)	39,000	0	40,321	22,114
<b>Residential Units</b>				
Residential Units (Total)	80	28	80	107
<b>Natural Resources</b>				
Total Site Area (acres)	12.4	12.4	12.4	12.4
Total Area of Disturbance (acres)	5.2	5.2	5.2	4.6
Woodland Disturbance (acres)	0.88	0	0.88	0.75
Wetland Disturbance (acres)	0.03	0	0.03	0
Lawn/Already Disturbed (acres)	3.9	0	3.9	3.6
Steep Slope Disturbance (>15%) (acres)	1.36	0	1.33	1.33
<b>Community Resources</b>				
Population	142	58	142	129
Residential Trips (p.m. peak hour) to Pipetown Hill Road	62	0	0	47
Residential Trips (p.m. peak hour) to NYS Route 59	0	13	62	0
Water Demand / Sewage Flow (based on 110 gallons per bedroom, per day)	13,200	6,160	13,200	11,770
School-age Children	22	12	22	0
Notes: Estimates are approximate. Source: Atzl, Scatassa, & Zigler, P.C.; Tim Miller Associates, Inc., 2009.				

### **1.3 Listing of Permits and Approvals Required**

#### **Involved Agencies**

The following agencies have been determined to have permitting authority over the proposed project and are therefore considered Involved Agencies.

#### **Federal**

FEMA - Letter of Map Revision

US Army Corps of Engineers - Nationwide Permit #14-Road Crossing of the Pascack Brook

US Army Corps of Engineers - Nationwide Permit #39-Wetland Disturbance of less than 0.1 acres .

#### **New York State**

NYS DEC SPDES Permit for General Construction Activities

NYS DEC Stream Bed Crossing Permit - Article 15

NYS DOT Highway Permit

#### **Rockland County**

Rockland County Planning Board - 239 GML Referral

Rockland County Department of Health - Realty Site Plan Approval

Rockland County Drainage Agency - Drainage and Water Course Permit Number 04-36

Rockland County Sewer District Number 1 - Sewer Connection

#### **Town of Clarkstown**

Clarkstown Town Board - Stream Alteration Permit (Chapter 128 of the Town Code)

Clarkstown Planning Board - Site Plan Approval

Clarkstown Highway Superintendent - Road Opening Permit

Clarkstown Department of Environmental Control - Sewer Permit

Clarkstown Department of Environmental Control - Floodplain Permit

#### **Other**

Rockland Housing Action Coalition

Village of Spring Valley

**Interested Agencies**

In addition to the involved agencies a Notice of Completion of the FEIS and/or a copy of the FEIS will be sent to the following interested agencies:

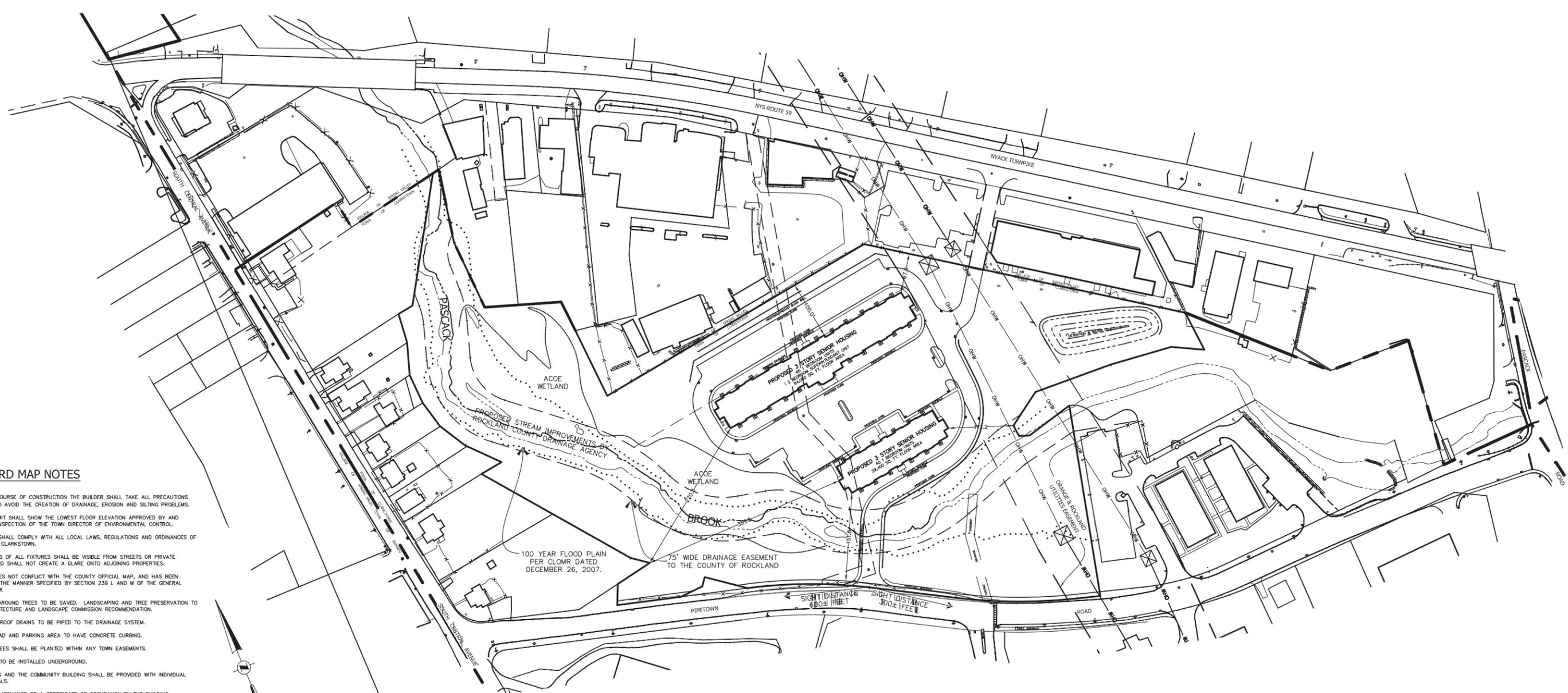
Clarkstown Town Clerk  
Clarkstown Town Attorney  
Legal Aid Society of Rockland County  
Clarkstown Building Department  
Clarkstown Police Department - Notice Only  
Spring Valley Fire Department - Notice Only  
Nanuet Community Ambulance Corp. - Notice Only  
East Ramapo Central School District - Notice Only  
Federal Emergency Management Agency - Notice Only  
Rockland County Department of Highways - Notice Only

**Format**

This FEIS is arranged in sections, with comment summaries and responses arranged by subject area similar to the DEIS. The format of the comments and responses is as follows:

**Comment # (Source):** Comment summary text.

**Response #:** *Response text.*



**STANDARD MAP NOTES**

- A. DURING THE COURSE OF CONSTRUCTION THE BUILDER SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID THE CREATION OF DRAINAGE, EROSION AND SILTING PROBLEMS.
- B. BUILDING PERMIT SHALL SHOW THE LOWEST FLOOR ELEVATION APPROVED BY AND SUBJECT TO INSPECTION OF THE TOWN DIRECTOR OF ENVIRONMENTAL CONTROL.
- C. THE BUILDER SHALL COMPLY WITH ALL LOCAL LAWS, REGULATIONS AND ORDINANCES OF THE TOWN OF CLARKSTOWN.
- D. LIGHT SOURCES OF ALL FIXTURES SHALL BE VISIBLE FROM STREETS OR PRIVATE DRIVEWAYS AND SHALL NOT CREATE A GLARE ONTO ADJOINING PROPERTIES.
- E. THIS PLAN DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP, AND HAS BEEN APPROVED IN THE MANNER SPECIFIED BY SECTION 239 L AND M OF THE GENERAL MUNICIPAL LAW.
- F. DO NOT FILL AROUND TREES TO BE SAVED. LANDSCAPING AND TREE PRESERVATION TO BE PER ARCHITECTURE AND LANDSCAPE COMMISSION RECOMMENDATION.
- G. FOOTING AND ROOF DRAINS TO BE PIPED TO THE DRAINAGE SYSTEM.
- H. ENTRANCE ROAD AND PARKING AREA TO HAVE CONCRETE CURBING.
- I. NO WILLOW TREES SHALL BE PLANTED WITHIN ANY TOWN EASEMENTS.
- J. ALL UTILITIES TO BE INSTALLED UNDERGROUND.
- K. EACH BUILDING AND THE COMMUNITY BUILDING SHALL BE PROVIDED WITH INDIVIDUAL SEWER LATERALS.
- L. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE BUILDING INSPECTOR, THE REGISTERED LANDSCAPE ARCHITECT WILL CERTIFY THAT THE WORK ON THE SITE HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLAN ON FILE WITH THE TOWN. A WRITTEN ONE YEAR GUARANTEE WILL BE PROVIDED BY THE APPLICANT AND WILL BE SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL CONTROL AND ARCHITECTURE AND LANDSCAPE COMMISSION STATING THAT ALL PLANTS WHICH DIE OR ARE LIKELY TO DIE WITHIN THE GUARANTEE PERIOD WILL BE REPLACED. THE CERTIFICATION OF OCCUPANCY MAY BE REVOKED FOR FAILURE TO HONOR THE TERMS OF THE GUARANTEE.
- M. NO BUILDING PERMIT FOR A BUILDING SUBJECT TO SITE PLAN APPROVAL SHALL BE ISSUED BY THE BUILDING INSPECTOR EXCEPT UPON AUTHORIZATION OF AND IN CONFORMITY WITH THE SITE PLAN APPROVED BY THE PLANNING BOARD.
- N. ANY PROPOSED RETAINING WALL SHALL BE DESIGNED AND INSPECTED DURING CONSTRUCTION AND CERTIFIED THAT THEY HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN BY A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF NEW YORK.
- O. PARKING OF ANY VEHICLES WITHIN THE 24 FOOT WIDE TRAVELED WAY IS TO BE PROHIBITED.
- P. EROSION CONTROL SHALL BE PROVIDED AS SHOWN ON THE APPROVED EROSION CONTROL PLAN, AND AS MAY BE MODIFIED BY THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO CONFORM TO FIELD CONDITIONS AND THE DEVELOPMENT OF THE SITE PROGRESS.
- Q. ALL NEW PAVEMENT MARKINGS SHALL BE EPOXY OR PREFORMED.
- R. ALL NEW SIGNS AND PAVEMENT MARKINGS SHALL BE PLACED IN ACCORDANCE WITH THE NYSMUTCD.
- S. NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED FOR MORE THAN FOURTY-FIVE PERCENT (45%) OF THE UNITS UNTIL ALL RECREATION FACILITIES AND COMMUNITY FACILITIES ARE COMPLETED, THE CLARKSTOWN PLANNING BOARD, DURING SITE PLAN APPROVAL, MAY REDUCE TO A LESSER PERCENTAGE, BUT NOT LESS THAN TWENTY-FIVE PERCENT (25%).
- T. FIRE LANES SHALL BE DESIGNATED BY THE FIRE INSPECTOR AND THE APPLICANT SHALL EXECUTE AN ENFORCEMENT CONSENT AGREEMENT WITH THE TOWN. FIRE LANE SIGNAGE AND STRIPING SHALL BE INSTALLED AS SHOWN ON THE APPROVED PLAN BY THE APPLICANT OR BUILDER PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE BUILDING. THIS WORK SHALL NOT BE SUBJECT TO ESCROW DEPOSIT. FIRE LANE SIGNAGE AND STRIPING SHALL BE MAINTAINED BY THE OWNER TO THE SATISFACTION OF THE FIRE INSPECTOR.

**BULK REQUIREMENTS**

EXISTING ZONE - MF-2 PROPOSED SENIOR HOUSING	REQUIRED	PROVIDED
MINIMUM LOT AREA	180,000 SQ. FT.	373,968 SQ. FT.
MINIMUM LOT WIDTH	300 FT.	700 FT.
MINIMUM FRONT YARD	100 FT.	151.8 FT.
MINIMUM SIDE YARD	50 FT.	67.9 FT.
MINIMUM TOTAL BOTH SIDE YARD	100 FT.	338.2 FT.
MINIMUM REAR YARD	100 FT.	100.0 FT.
MAXIMUM BUILDING HEIGHT	3 STORIES/45 FT.	3 STORY/45FT.
MAXIMUM FLOOR AREA RATIO	0.25	0.25
MAXIMUM LAND COVERAGE	0.65	0.33

**LOT AREA CALCULATIONS**

TOTAL SITE AREA	12.372 ACS. OR 538,932 SQ. FT.
* LESS 50% SLOPES 30% TO 50%	= 18,950 SQ. FT. 30% TO 50% SLOPES
* LESS 100% SLOPES 50% OR GREATER	= 32,650 SQ. FT. EXCESS OF 50% SLOPES
* LESS 50% OF ROAD WIDENING	= 2,659 SQ. FT.
* LESS 50% OF ORANGE AND ROCKLAND UTILITY EASEMENT	= 40,805 SQ. FT.
* LESS 50% OF WETLAND	= 20,500 SQ. FT.
* LESS 50% OF 100 YEAR FLOOD PLAIN	= 49,400 SQ. FT.
NET LOT AREA FOR ZONING PURPOSES	373,968 SQ. FT.

**PARKING REQUIREMENTS**

1 SPACES PER 1 BEDROOM UNIT + 2 PER SUPERINTENDENT UNIT	REQUIRED
106 1 BEDROOM UNITS x 1 SPACE =	106 SPACES
1 SUPERINTENDENT UNIT x 2 SPACES =	2 SPACES
TOTAL SPACES REQUIRED	108 SPACES
TOTAL SPACES PROVIDED	109 SPACES

**LOT AREA INFORMATION**

TOTAL SITE AREA	= 538,932 SQ. FT.
TOTAL WETLAND AREA	= 139,850 SQ. FT.
TOTAL 100 YEAR FLOOD PLAIN	= 98,900 SQ. FT.
TOTAL O & R EASEMENT	= 81,590 SQ. FT.
TOTAL SLOPE 30-50% ON SITE	= 53,080 SQ. FT.
TOTAL SLOPE 50%+ ON SITE	= 38,900 SQ. FT.
SLOPE 30-50% WITHIN FLOOD PLAIN and O & R EASEMENT	= 36,200 SQ. FT.
SLOPE 50%+ WITHIN FLOOD PLAIN and O & R EASEMENT	= 28,300 SQ. FT.
O & R EASEMENT WITHIN FLOOD PLAIN	= 3,475 SQ. FT.

**NOTE**

ALL EXISTING BUILDINGS ARE TO BE DEMOLISHED

**OWNER & APPLICANT**  
HYENGA LAKE DEVELOPMENT CORP.  
100 SNAKE HILL ROAD  
WEST NYACK, NEW YORK 10994

**TAX MAP REFERENCE**  
TOWN OF CLARKSTOWN TAX MAP  
SECTION 57.14, BLOCK 3, PARCEL 2.

**DISTRICTS**

SCHOOL DISTRICT	- EAST RAMAPO
FIRE DISTRICT	- SV 19
LIGHTING DISTRICT	- No. 1
WATER DISTRICT	- No. 11
SEWER DISTRICT	- No. 11

**Figure 1: Senior Housing Site Plan**  
Hyenga Lake FEIS  
Town of Clarkstown, Rockland County, New York  
Souce: Atzl, Scatassa & Zigler P.C.  
Date: 03/04/09  
Scale: 1 inch = 180 feet

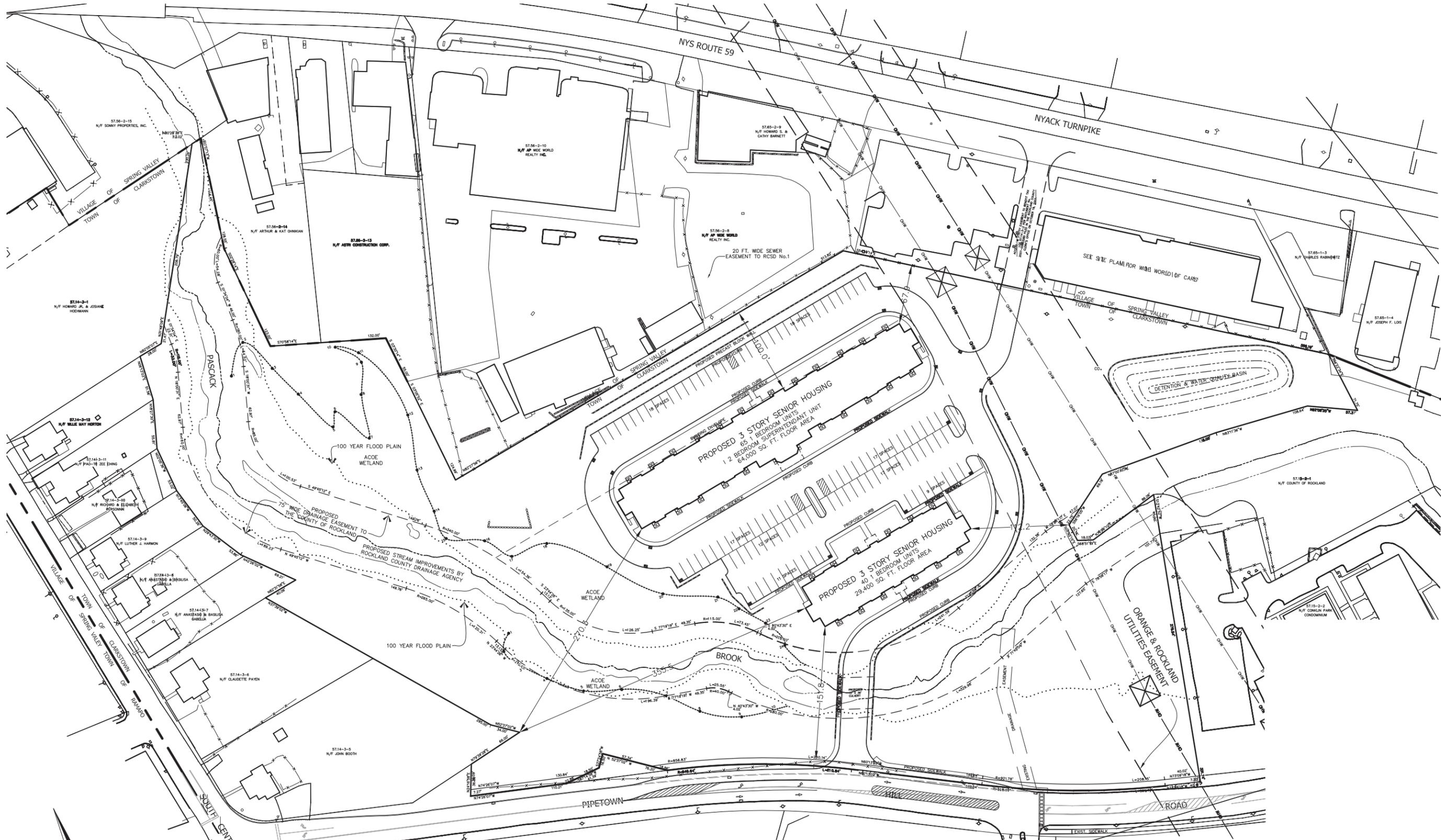


Figure 2: Senior Housing Site Plan 2  
 Hyenga Lake FEIS  
 Town of Clarkstown, Rockland County, New York  
 Souce: Atzl, Scatassa & Zigler P.C.  
 Date: 03/04/09  
 Scale: 1 inch = 110 feet



Figure 3: Senior Housing Cut & Fill Analysis  
 Hyenga Lake FEIS  
 Town of Clarkstown, Rockland County, New York  
 Souce: Atzl, Scatassa & Zigler P.C.  
 Date: 08/05/09  
 Scale: 1 inch = 50 feet

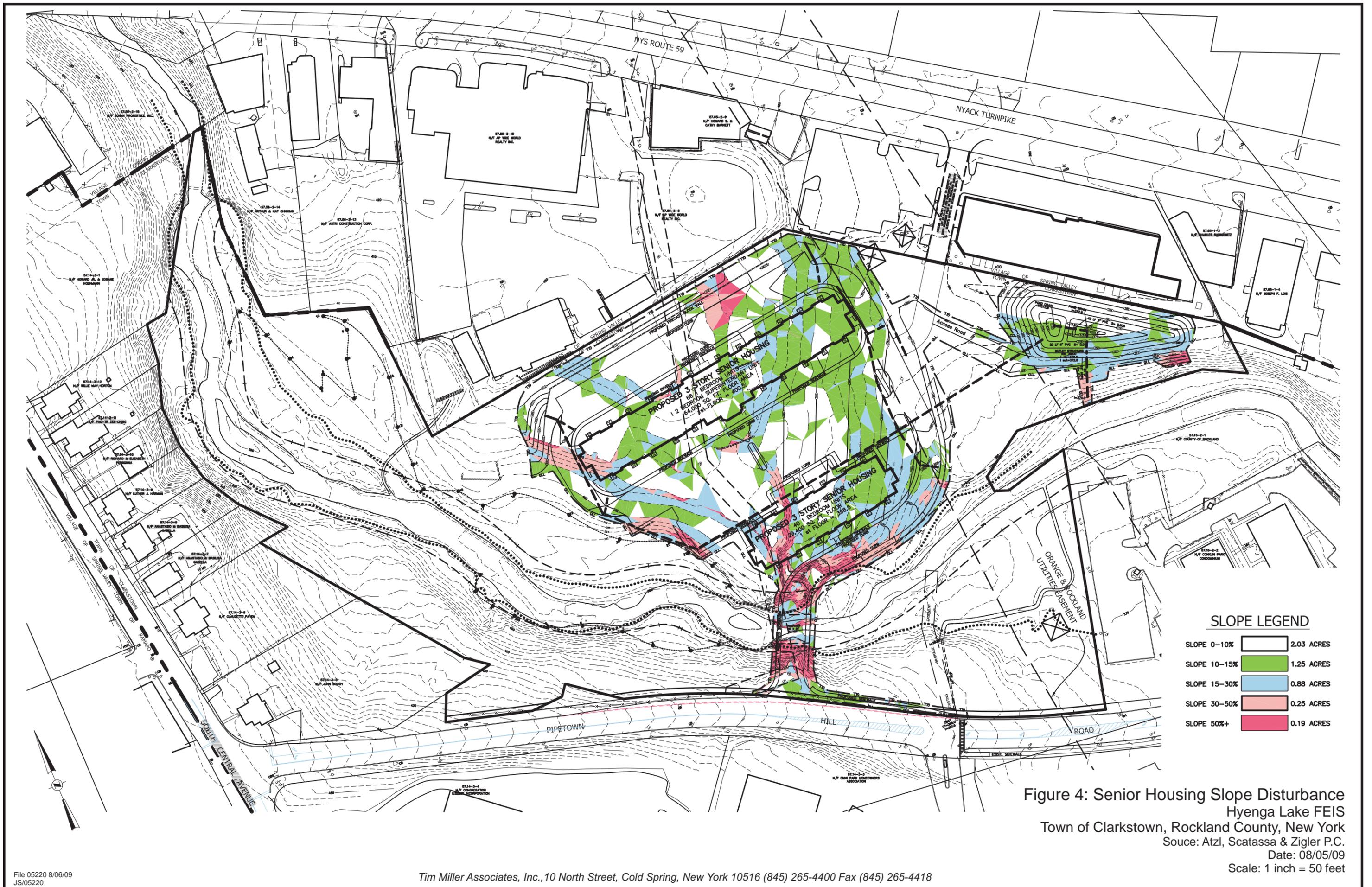


Figure 4: Senior Housing Slope Disturbance  
 Hyenga Lake FEIS  
 Town of Clarkstown, Rockland County, New York  
 Souce: Atzl, Scatassa & Zigler P.C.  
 Date: 08/05/09  
 Scale: 1 inch = 50 feet



Figure 5: Representative Architectural Rendering Senior Apartment Building

Hyenga Lake

Town of Clarkstown, Rockland County, New York

Source: A.J. Coppola, R.A.

Date: September, 2009

## **2.0 PROJECT DESCRIPTION**

The Project Sponsor, Hyenga Lake Development LLC., now proposes to remove all existing structures on the site, install the required infrastructure, and develop 107 units of affordable Senior Housing in two, three story buildings in response to a continued demand for affordable Senior Housing in the Town of Clarkstown and Rockland County. The applicant intends to partner with the Rockland Housing Action Coalition (RHAC) in a not-for-profit endeavor. This action is consistent with the existing MF-2 zoning, under a Special Use Permit, which allows Affordable Senior Housing. The newly proposed project continues to include construction of a new access from Pipetown Hill Road to the project site via construction of a culvert over the Pascack Creek. A secondary access to provide emergency access would still be available from NYS Route 59. via a driveway constructed over a deeded easement granted to the Hyenga Lake Development LLC by Wide World Realty, the adjacent property owner to the north.

The units would be connected to existing public water and public sewer service. The proposed project is for 106 one bedroom units and a two bedroom superintendents apartment. The project is to be constructed in two buildings. The first building will contain 66 units of affordable senior apartments and the superintendents apartment. The second building will contain an additional 41 units of affordable senior apartments. The units will be available for rent to qualified senior citizens of the Rockland County with preference being given to Town of Clarkstown residents. The completed project will be managed by the Rockland Housing Action Coalition, which currently has a waiting list of more than 500 qualified applicants for this type of housing.

**Comment 2.0-1 (Jeffrey Lawrence, Street Construction Inspector, Clarkstown Highway Department, June 29, 2007):** Detention pond - maintained by whom? (county, town, private), Same applies to stream area & woods.

*Response 2.0-1: The detention pond shall be maintained by the managing agent for the preferred Senior Housing at Hyenga Lake . The project will comply with all bonding requirements as required by law in the Town of Clarkstown to insure appropriate storm-water facility maintenance.*

**Comment 2.0-2 (Jeffrey Lawrence, Street Construction Inspector, Clarkstown Highway Department, June 29, 2007):** Stream area and woods - maintained by whom? (county, town, private)

*Response 2.0-2: The stream area and woods are private property, an easement has been granted to the Rockland County Drainage Agency to maintain the stream channel as deemed by their needs.*

**Comment 2.0-3 (Marvin Baum, Clarkstown Planning Board, Public Hearing July 25, 2007):** I am concerned about the location of the units near high-tension wires and suggest that homes be placed away from or buffered from the wires for visual and comfort considerations.

*Response 2.0-3: Under the Preferred Senior Housing Alternative there is no construction proposed directly under the high-tension wires or within the utility easement. A minimum twenty five foot buffer area has been left undisturbed around the base of the towers, beyond the buffer area, minimal grading is anticipated in the vicinity of the tower locations. The towers and high-tension wires are an existing condition. They are visible*

*from the multifamily residences already built along Pipetown Hill Road and will be visible from the buildings proposed at Hyenga Lake. Construction will be conducted in accordance with the Safety Measures identified in DEIS Appendix L.*

**Comment 2.0-4 (Resident, Conklin Park, Public Hearing July 25, 2007):** Has this project already been decided, or is this where we decide if we want it or not?

***Response 2.0-4:** The prior proposal , is an as-of-right development for multifamily housing in a multi-family zone. The as-of right project had been amended to be in complete compliance with the designated zoning and site plan regulations. The Preferred Senior Housing Alternative is proposed under a special use permit in the MF-2 zone and is proposed to meet the need for affordable senior housing within the Town. To a large extent the project is an upgrade of existing conditions and will result in an improvement to the neighborhood. A decision will be made by the Town Board as to the Special Use permit, and a decision will be made by the Planning Board as to when the environmental review is complete.*

**Comment 2.0-5 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):**

As part of the DEIS completeness review, questions were raised regarding Orange & Rockland Utilities' willingness to allow the proposed grading within the easement for transmission wires. The project sponsor has indicated that "additional safety measures can be provided at the time of substantive review if necessary." As part of the ongoing substantive review the project sponsor should provide written confirmation from Orange & Rockland Utilities that the proposed grading is acceptable, or illustrate an alternative approach; particularly if site plan elements or grading are affected. If acceptable, detailed engineering, legal or liability issues can be resolved as the review continues.

***Response 2.0-5:** The previously proposed plan including grading and construction details for the Hyenga Lake project has been submitted to Orange & Rockland utilities for review and comment. This comment is not relevant with regard to the Preferred Senior Housing Alternative now proposed. The Senior Housing alternative does not propose any construction or grading within the utility easement.*

**Comment 2.0-6 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):**

Project Description, page 2-5 indicates that "A developer bond will be posted for the purpose of road maintenance including the culvert." This appears to be intended to meet the noted concern for any future (post occupancy) work needed for the culvert. As the review and approval process continues, the details of this offer should be worked out. Initial details should include the method of estimating the bond, the amount, the duration of time, the administrative arrangements, whether any adjustment is appropriate for inflation.

***Response 2.0-6:** These issues will be worked out prior to final site plan approval.*

**Comment 2.0-7 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** The term "relatively affordable" is somewhat nebulous, it should be defined and additional information on pricing be provided.

***Response 2.0-7:** The proposed units offer a choice in housing alternatives within the Town of Clarkstown. According to the 2006 American Community Survey published by the US Census, more than 75 % of the occupied housing units in the Town of Clarkstown are owner occupied single family residences. The median price for these housing*

*units is \$535,400. The proposed project is offering a housing unit priced at less than \$300,000, thus increasing the diversity of housing alternatives in the area.*

*This comment is no longer relevant in light of the Preferred Senior Housing Alternative now proposed. Income eligibility for potential residents of the senior citizen apartment units will be managed by the Rockland Housing Action Coalition, a not for profit agency created to meet the affordable housing needs of Rockland County residents.*

**Comment 2.0-8 Charles Maneri, Building Plans Examiner, Public Hearing, September 26, 2007**: The two dumpster enclosures should probably be relocated because I think Orange & Rockland will have an exception to that. We have comments on another application that has a similar setup of dumpsters in that right-of-way, and they need to be removed. They don't want any type of material underneath that catches fire.

***Response 2.0-8:** These dumpsters may be relocated to a location acceptable to the Town of Clarkstown and Orange & Rockland Utilities prior to final site plan approval. This comment is no longer relevant in light of the Preferred Senior Housing Alternative now proposed. There are no dumpsters located within the Orange & Rockland Utility easement on the proposed site plan.*

**Comment 2.0-9 (Lawrence Tall, Manager of Conklin Park Condos, Public Hearing, September 26, 2007)**: There was a request being made for a bond being posted in the event that the condo association does not maintain the property.

***Response 2.0-9:** The Hyenga Lake-RHAC partnership will comply with all bonding requirements as required by law in the Town of Clarkstown to insure appropriate storm-water facility maintenance.*

**Comment 2.0-10 (Lawrence Tall, Manager of Conklin Park Condos, Public Hearing, September 26, 2007)**: According to the site plan there is no place to put snow.

***Response 2.0-10:** Snow storage areas are available at the south end of the large parking area, and at the western ends of the circulation areas between the buildings. This comment is no longer relevant in light of the preferred Senior Housing Alternative now proposed. There are significant areas on the east and west ends of the Senior Housing alternative site plan to accommodate snow storage.*

**Comment 2.0-11 George Hoehmann, Member Clarkstown Planning Board, Public Hearing, September 26, 2007**: I don't know what can be done, but with the new regulations with Orange and Rockland and their cutting underneath the high tension wires, it appears that there really could be a clear view from Route 59 along the easement all the way up to Pipetown Hill Road and potentially beyond, based on where their towers are. I was wondering if you considered an alteration to your layout that might actually become an architectural feature, moving the detention pond into the O & R easement, if it's allowed. Shifting your guest parking to other parts of the site you might be able to create a nice architectural feature that could become a selling point, using the detention pond as a focal point. You might be able to create a walkway effect around the detention pond. It might help to mitigate because potentially there could be a sea of parking that people area going to be viewing, looking down into the site or coming up.

**Response 2.0-11:** *Based upon topographic conditions it is not practical to move the stormwater detention basin and associated facilities.*

**Comment 2.0-12 Marvin Baum, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** The buildings are located close to power lines (as noted in the first hearing).

**Response 2.0-12:** *There are no units proposed for construction directly under the high-tension wires. A minimum twenty five foot buffer area had been left undisturbed around the base of the towers, beyond the buffer area, minimal grading is anticipated in the vicinity of the tower locations. Construction will be conducted in accordance with the Safety Measures identified in DEIS Appendix L. The proposed units are generally in a similar location to the existing bungalow units. This comment is no longer relevant in light of the Preferred Senior Housing Alternative now proposed. There is no construction nor grading anticipated within the Orange & Rockland utility easement.*

**Comment 2.0-13 Marvin Baum, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** I have a question with regard to garages versus no garages.

**Response 2.0-13:** *A Garage Parking Alternative plan has been developed to be in conformance to the M-2 zoning regulations with regard to enclosed parking. For the 88 units proposed there are a total of 56 garages proposed. This equates to more than 60 percent of the units having a one car garage and meets the zoning requirement stipulated in Table 19, Column 6, Item 1 which states that, "one quarter of all required parking be enclosed." This comment is no longer relevant in light of the Preferred Senior Housing Alternative now proposed. The Special Use Permit for Senior Housing does not require garage parking, no zoning variance will be required, no garage parking is proposed.*

### **3.0 POTENTIAL IMPACTS AND PROPOSED MITIGATION**

#### **3.1 LAND RESOURCES**

**Comment 3.1-1 (Marvin Baum, Clarkstown Planning Board, Public Hearing July 25, 2007):**

A significant portion of the property would remain undisturbed. Is that portion of the property in the steep ravine?

*Response 3.1-1: The proposed development is to be located in the same area as the existing on-site development. Designated areas of open space include both level areas, east of the culvert and north of the wetland on the west side of the site. The preferred Senior Housing Alternative provides for increased open space compared to the previous 80 unit Townhouse proposal.*

**Comment 3.1-2 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):**

The grading for the site proposes severe cuts and retaining walls of up to 11 feet height; this would not appear to be "minimal new disturbance."

*Response 3.1-2: Minimal new disturbance, referred to horizontal areas of disturbance. The areas of steep cuts are necessary for adequate stormwater management.*

**Comment 3.1-3 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):**

Cuts in the detention pond area are up to 20 feet.

*Response 3.1-3: These areas of steep cut are necessary for adequate stormwater management. The amount of cut necessary has been reduced in the preferred Senior Housing Alternative.*

**Comment 3.1-4 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):**

There is a severe excess of material to be removed from the site, which would seem to indicate the site is being altered to conform to a particular building type. Perhaps an alternate design should be explored which would more balance the grading. The implementation of an erosion control plan may not provide maximum practicable mitigation for soil impacts.

*Response 3.1-4: As shown on the proposed Site Plan, the most significant area of grading is for construction of the proposed stormwater management detention basin and associated structures. This is necessary in order to ensure there will be no increase in stormwater runoff compared to existing conditions as per the NYS DES GP 02-01. The preferred Senior Housing Alternative reduces the overall cut and fill volumes, and minimizes the erosion control measures necessary.*

### **3.2 WATER RESOURCES**

**Comment 3.2-1 (Robert Jackson, Member Clarkstown Town Board, Public Hearing July 25, 2007):** Buildings are shown on the floodplain map (FP1) in the 100 year flood plain. In response Deputy Director of Environmental Control Dennis Letson advised that the Applicant has done a new floodplain study that is based on the dam being gone, but the official FEMA maps that govern have not yet been revised to reflect the collapse of the dam.

***Response 3.2-1:** A Conditional Letter of Map Revision CLOMR based upon flood plain conditions without the Hyenga Lake Dam has been issued by letter dated December 26, 2007 from the Federal Emergency Management Agency, FEMA. This letter is included for reference in FEIS Appendix B, Correspondence. As shown on the site plan, the current preferred alternative does not propose any development in or near the 100 year flood plain.*

**Comment 3.12-2 (Elizabeth Moore, South Central Avenue, Public Hearing July 25, 2007):** There is a potential increase in flooding. The drainage is terrible on Pipetown Hill Road.

***Response 3.2-2:** Per the requirements of the NYS DEC General Permit for Stormwater Discharge from Construction Activity (GP 02-01), there may be no increase in stormwater runoff from the project site as a result of the proposed project. The Stormwater Pollution Prevention Plan (SWPPP) was developed for this project by Leonard Jackson Associates. The infiltration basin to treat the stormwater runoff consists of a water quantity diversion structure, and infiltration basin and an overflow spillway. The implementation of these measures will result in a decrease in stormwater runoff from this site compared to existing conditions. A revised drainage analysis for the preferred Senior Housing Alternative indicates there is a reduction in stormwater runoff compared to the previous proposal; and similar to the previous proposal there may be no increase in stormwater runoff from the project site as a result of the proposed project. The revised drainage analysis is included as FEIS Appendix D.*

**Comment 3.2-3 (Resident, Conklin Park, Public Hearing July 25, 2007):** Regarding the proposed detention basin and additional flooding: Where is the water coming from, and will it be rerouted?

***Response 3.2-3:** Similar to the previous proposal, under the Senior Housing Alternative the water will flow in an easterly direction from the central portion of the site, via drainage pipes, to the stormwater detention pond. The water will be held in the detention pond and released slowly to allow for sedimentation and filtration to occur. The water will be released to drainage pipes which ultimately drain into the Pascack Creek. An overflow area is included in the design of the Basin to handle the 100 year flood conditions.*

**Comment 3.2-4 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):** The project sponsor has indicated that a Conditional Letter of Map Revisions (CLOMR) has been filed with FEMA to formally amend the flood plain elevations as a result of the loss of the dam. The project sponsor should indicate the status of the requested amendment. Page 1-5 indicates application has not yet been made and suggests this would not occur until after "completion of the project developments."

**Response 3.2-4:** *A Conditional Letter of Map Revision CLOMR based upon flood plain conditions without the Hyenga Lake Dam has been issued by letter dated December 26, 2007 from the Federal Emergency Management Agency, FEMA. This letter is included for reference in FEIS Appendix B, Correspondence.*

**Comment 3.2-5 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):**

Executive Summary, page 1-2 and elsewhere indicates that easements have been granted to the Town of Clarkstown and the Rockland County Drainage Agency for stormwater purposes. Copies of these easements should be provided to the Planning Board for review.

**Response 3.2-5:** *A copy of The Survey of Drainage Easement to be conveyed to Rockland County, dated November 29, 2001 has been included in Appendix B for reference.*

**Comment 3.2-6 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):**

Executive Summary, page 1-7 refers to an environmental analysis conducted by the Rockland County Drainage Agency for the Pascack Brook. Reference sources relied on in the preparation of a DEIS should be provided in an Appendix.

**Response 3.2-6:** *The Bioassessment Report, entitled Aquatic Life and Habitat, Fauna Biota, Vegetation and Wetlands, conducted by Robert Torgersen, dated April 14, 2005 and prepared for the Rockland County Drainage Agency, was included as Appendix G in the DEIS. The DEIS should have included a specific text reference to Appendix G.*

**Comment 3.2-7 (Letter, Dennis M. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control):** Page 1-2, paragraph 1: How will the RCDA access the 75 foot easement?

**Response 3.2-7:** *The adjoining parcel to the east is owned by Rockland County. In addition, as shown on the site plan there is a 15' easement to the Town of Clarkstown from Pipetown Hill Road to access the stream, located east of the proposed culvert.*

**Comment 3.2-8 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** It seems contradictory to indicate that the buildings will be slab on grade and also have basements.

**Response 3.2-8:** *Based upon the contour of the land, the buildings are to be constructed partially slab on grade, there are half basements proposed in some of the buildings. This continues to be true for the proposed preferred Senior Housing Alternative.*

**Comment 3.2-9 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** The assertion that the project will not change the brook seems incorrect in that it proposes a new culvert crossing from Pipetown Hill Road.

**Response 3.2-9:** *Similar to the previous proposal, under the Senior Housing Alternative the proposed culvert footings would be located on the stream banks outside of the stream bed, and will extending from one stream bank to the other. Temporary construction impacts will be mitigated through the use of Best Management Practices. No long term impacts to the stream are anticipated as a result of placement of the culvert over the stream.*

**Comment 3.2-10 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** Until the FEMA CLOMR is received, the project flood plain is at the elevation shown on the 2000 FIRM. What is the status of the CLOMR application, as it will impact the area and development of the site?

***Response 3.2-10:*** As discussed, the CLOMR was issued on December 26, 2007, a copy of the FEMA letter is included in Appendix B for reference.

**Comment 3.2-11 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** The proposed pond will have a depth of approximately 10.5 feet to the spillway. The narrative should expand to explain the volume of the pond and the relationship to classification as a dam based on height and volume detained.

***Response 3.2-11:*** The Hyenga Lake project detention & water quality basin does not require a dam permit from the NYS DEC for the following reasons:

1. The height of the berm to the top of the slope is approximately 10.5 feet.
2. The total storage volume in the water quality /detention basin is 124,866 gallons. Refer to the Water Quality / Detention Basin Volume calculations in the letter from Leonard Jackson Associates (LJA) dated, February 26, 2008, included in Appendix B, Correspondence.

A permit would be required only if other criteria were also met. For convenience the NYS DEC criteria regarding dam permits as indicated in Section ELS-15-0503 are listed below. (Copy included in LJA February 26, 2008, letter.)

- A Dam permit is required if Height  $\geq$  15 feet and volume is  $>$  1,000,000 gallons.
- A Dam permit is not required if Height  $\geq$  15 feet and volume is  $\leq$  1,000,000 gallons.
- A Dam permit is required if volume is  $\geq$  3,000,000 gallons and Height  $\geq$  6 feet.
- A Dam permit is not required if volume is  $\geq$  3,000,000 gallons and Height is  $<$  6 feet.

**Comment 3.2-12 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** Pg. 1-7, Construction Stormwater Management: Previous comments related to soil impacts and extent of grading [3.1-2, 3.1-3] are applicable here.

***Response 3.2-12:*** Similar to the previous proposal, under the Senior Housing Alternative the proposed project would be constructed in the same area of the site as the existing bungalow community, resulting in minimal new disturbance when viewed horizontally. There are areas of steep cuts which are necessary for adequate stormwater management.

**Comment 3.2-13 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** The Rockland County Drainage Agency's letter dated March 13, 2006, includes several comments, requirements, and requests for additional information which must all be satisfied.

***Response 3.2-13:*** In their Letter of March 16, 2006 the Rockland County Drainage Agency (RCDA) makes specific reference to their concern for the safety and welfare of the residents downstream of the previous location of the Hyenga Lake Dam, and requested that appropriate measures be taken if reconstruction of the dam was

*anticipated. The project applicant has no intention of reconstruction of the dam, thus insuring the safety and welfare of the downstream population.*

*Additionally, the RCDA suggests that the applicant contact the NYS DEC Dam Safety Unit regarding status of the dam. As noted in DEIS Correspondence, On Thursday March 24, 2005 Mr. Michael Stankiewicz, P.E. of the NYS DEC Dam Safety unit was contacted. He explained that the Hyenga Lake Dam cannot be removed from DEC's Dam Inventory, for "historical reasons." Instead, it will remain in their records as a "failed" dam. Excluding other DEC permits which are not related to the dam, no permits need to be filed with the Dam Safety Unit regarding the installation of the proposed culvert.*

**"Comment 3.2-14 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** A short-term maintenance agreement between the applicant and the Town should include a yearly inspection of the stormwater management facilities and a report to the Town ensuring the safety of the facilities. The Town should also be assured that the applicant has the financial ability to maintain these features throughout construction, prior to the dedication of these facilities to the Town.

***Response 3.2-14:*** *The stormwater facilities will be privately maintained even after construction is complete. This continues to be true for the preferred Senior Housing Alternative. The Hyenga Lake/Rockland Housing Action Coalition partnership will comply with all financial requirements as set forth by the NYS Attorney General's office.*

**Comment 3.2-15 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** There shall be no net increase in run-off upon completion of the project.

***Response 3.2-15:*** *Per the requirements of the NYS DEC General Permit for Stormwater Discharge from Construction Activity (GP 02-01), there may be no increase in stormwater runoff from the project site as a result of the proposed project. A revised Stormwater Pollution Prevention Plan (SWPPP) has been developed for the preferred Senior Housing alternative for this project by Leonard Jackson Associates, included as FEIS Appendix D. The infiltration basin to treat the stormwater runoff consists of a water quantity diversion structure, and infiltration basin and an overflow spillway. The implementation of these measures will result in a decrease in stormwater runoff from this site compared to existing conditions.*

**Comment 3.2-16 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

***Response 3.2-16:*** *A Soil Erosion Control Plan and a Construction Phasing Plan shall be included in the final plan set subject to final approval by the Planning Board prior to construction.*

**Comment 3.2-17 (Mr. Tanler, President of the Board of Managers of the Conklin Park Condominium, Public Hearing, September 26, 2007):** I am concerned about the impact on the flooding propensities. We live with the Pascack Brook running right next to us. We had to have the Corps of Engineers come in and fix it up back in '99, 2000. Will all the additional people living up there, has that been looked at? This is not just a question of dollars, it's a question of people's lives, the quality of life, and their safety.

***Response 3.2-17*** As discussed herein, the Storm Water Pollution Prevention Plan, in accordance with NYS DEC GP 02-01, has identified proposed measures to reduce stormwater runoff below existing levels as a result of this project. The infiltration basin to treat the stormwater runoff consists of a water quantity diversion structure, and infiltration basin and an overflow spillway.

**Comment 3.2-18 (Lawrence Tall, Manager of Conklin Park Condos, Public Hearing, September 26, 2007):** Is the detention basin going to be piped into the Pascack Creek at all?

***Response 3.2-18:*** Yes, the water will be detained in the stormwater detention pond to allow for sedimentation and a reduced rate of infiltration. It will ultimately be discharged to the Pascack Brook via drainage pipes from the stormwater facility.

**Comment 3.2-19 (Marvin Baum, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** Regarding the former Hyenga Lake site itself, which is now basically a stream and a very steep area, in terms of maintenance and ongoing safety, when dirt, litter, garbage, whatever collects in there and becomes problematic for the stream, as well as just generally not nice (because it's not being cleaned up right now) is there going to be an obligation of the condominium association? Or is that the County's responsibility completely?

***Response 3.2-19:*** The Rockland County Drainage Agency has authority over the Pascack Creek in terms of maintenance. The Hyenga Lake - RHAC partnership would have responsibility for maintaining all common areas on site.

**Comment 3.2-20 (Marvin Baum, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** Who determines the need for maintenance of the detention pond?

***Response 3.2-20:*** A maintenance schedule for the detention pond shall be set forth in the contract between the Hyenga Lake/RHAC and their management agent to be reviewed and approved by the Town Department of Environmental Control.

### **3.3 AIR QUALITY**

**Comment 3.3-1 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007)**: The DEIS does not state anticipated truck movements on the local road system over the pre construction, construction, and post-construction phases of the project. The Town should consider requiring the applicant to use clean diesel fuel trucks and equipment with particulate traps to reduce the fine particulate matter in the air, which has been found to be associated with serious health problems.

*Response 3.3-1: Comment noted.*

**Comment 3.3-2 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007)**: Use of construction equipment and trucks shall be limited or avoided on designated ozone action days.

*Response 3.3-2: Comment noted.*

**Comment 3.3-3 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007)**: "No Idling" for more than three (3) consecutive minutes when the vehicle is not in motion shall be applied to heavy construction equipment and trucks during all phases of the project per Rockland County Sanitary Code 12.12.12.

*Response 3.3-3: Comment noted.*

**Comment 3.3-4 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007)**: The Town should consider requiring the applicant to spray trucks with water prior to leaving the site to reduce the amount of soil that may travel onto the road system.

*Response 3.3-4: Similar to the previous proposal, under the Senior Housing Alternative, when conditions warrant, construction vehicles will be sprayed and wheels will be washed to reduce the amount of soil traveling off site as a result of construction.*

### **3.4 VEGETATION & WILDLIFE**

**Comment 3.4-1 Daniel Kraushaar, Deputy Town Attorney, Public Hearing, September 26, 2007**: The Town Board is considering and is probably very close to adopting a tree preservation law. I don't know whether or not your plan would necessarily comply with it, and you are certainly entitled to get a draft of the law. I believe the law doesn't just address removing trees, but if there is an absence of trees, that trees have to be planted.

*Response 3.4-1 The applicant has reviewed the Town of Clarkstown tree preservation law. A landscaping plan will be submitted prior to preliminary site plan review of the Preferred Senior Housing Alternative which demonstrates project compliance with the law.*

**Comment 3.4-2 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007)**: There does not seem to be any assessment of the area north of the Brook and west of the existing structures. A report by Tim Miller Associates is referenced in the text, but does not seem to be included with the appendices, this should be added.

*Response 3.4-2: An environmental analysis was conducted by the Rockland County Drainage Agency (RCDA) for the Pascack Brook (DEIS Appendix G). The assessment classified the ecological community through which the brook is flowing as "highly disturbed," both reflective of the medium density residential development of the area as well as the erodible and unstable banks that were created after the loss of the Hyenga Lake Dam.*

*The RCDA report assessed both the forested vegetation on the southwestern slopes of the property along Pipetown Hill Road, and the colonizing shrub and scrub forest that is developing on the exposed sediments that have remained behind after the draining of Hyenga Lake. The eastern slopes of the property have a well established northern hardwood forest that is dominated by red maple, although no native habitat is present as the area has been disturbed by adjoining residential developments. Other trees and shrubs observed in this area during a site visit by Tim Miller Associates in February, 2006, included beech, red and white oaks, American elm, slippery elm, pignut hickory, tuliptree, catalpa, Japanese barberry, brambles, red-osier dogwood and spicebush, however none of these species were observed in large numbers.*

**Comment 3.4-3 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007)**: The erosion control and stormwater management mitigations are not relevant to this section. Additional information could be provided regarding wildlife surveys of the site and any potential relocation of such populations.

*Response 3.4-3: Comment noted. The erosion control and stormwater management mitigation information should be appropriately placed in section 3.2, Water Resources.*

*The site has already been highly disturbed and the proposed construction is to take place in the area of the existing bungalows. The DEIS notes correspondence with the USFWS and the DEC relating to endangered and threatened wildlife and vegetation*

*along with a table identifying typical species potentially present on the site. All studies were done in accordance with the adopted DEIS which did not specify a requirement for an on-site wildlife assessment. The proposed construction of the site will alter wildlife habitat. A reduction in habitat will result in the local loss or displacement of wildlife relying upon said habitat. There have been no recorded reports that nearby habitats are saturated to their carrying capacities from local, State or Federal agencies that would monitor these conditions and areas of the site will remain available for local relocation of some individuals. Displacement of individuals to adjacent properties, is likely, but the effect on the overall population is expected to be negligible. Loss of other individuals, through predation, human interaction or loss of habitat, may also occur. This is not, however, to suggest that the loss of regionally common wildlife habitat and diminished site wildlife populations of common local species can be characterized as a significant adverse environmental impact for purposes of SEQRA. None of the species observed have highly specialized habitat requirements.*

**Comment 3.4-4 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** The existing vegetation helps to prevent soil erosion on the site's steep slopes, therefore it is important to maintain as much of the existing vegetation as possible throughout all phases of the project. Clearing limit lines and construction fencing shall be in place prior to any construction equipment being brought onto the site.

*Response 3.4-4: Comment noted. Similar to the previous proposal, under the Senior Housing Alternative, these measures are will be detailed on the Erosion Control plan approved for the project. The sites steepest slopes will remain undisturbed by the proposed project.*

**Comment 3.4-5 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** In order to best protect existing trees, fencing can be placed at the drip line as the minimum protection during construction.

*Response 3.4-5: Comment noted. The Senior Housing Alternative will include snow fencing shall be placed at the drip line of trees to be protected which are adjacent to construction areas.*

**Comment 3.4-6 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** The impervious surfaces proposed for the site are of concern to the County Planning Department. The increased impervious surface and diminished natural vegetation on the site may lead to increased runoff on sites downhill and decreased recharge of the groundwater system. The grading of the site will drastically impact the Highways and Pascack Brook. Every effort must be made to retain as much natural vegetation and grading on the site as possible, and to limit, to the extent feasible, the amount of impervious surfaces.

*Response 3.4-6: The Preferred Senior Housing Alternative has reduced the total disturbed area to 4.6 acres, a reduction of 0.6 acres which represents more than a ten percent reduction in area disturbed. The most significant grading proposed on site is related to creation of the stormwater detention facilities necessary to limit the stormwater rates and volume to less than existing conditions as per NYS DEC GP 02-01.*

**Comment 3.4-7 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** In order to reduce the amount of impervious surface on the site and potentially increase the amount of water recharged into the ground water system, the applicant should consider the use of pervious pavers for driveways and sidewalk areas. Additionally, islands and other areas that could serve as drainage swales should be considered

***Response 3.4-7:** Similar to the previous proposal, the Senior Housing Alternative would increase the on-site impervious area by 1.2 acres or less than 10 percent of the total site area. The use of pervious pavers for the internal parking and circulation area is impractical from a maintenance standpoint in areas which must be commercially plowed for snow removal. Consideration will be given to drainage swales along the perimeter of the parking areas throughout the site.*

### **3.5 HISTORIC & CULTURAL RESOURCES**

**Comment 3.5-1 (Andrea Gannis, Resident of Omni Park Condominiums, Public Hearing July 25, 2007):** I live in one of the buildings facing the project and the gorgeous view I purchased is being taken away.

*Response 3.5-1 The applicant has a right to develop his property. The proposed development of the preferred Senior Housing Alternative is generally in the area the existing bungalows are in today. No disturbance is proposed to the ravine and brook area which are very likely the view from Omni Park.*

**Comment 3.5-2 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** Historic and Cultural Resources: This section seems adequate based on the narrative and supporting information included in the appendices.

*Response 3.5-2 Comment noted.*

**Comment 3.5-3 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** The Town should require the applicant to use natural tones to blend into the environment and reduce the visual impact of the proposed development.

*Response 3.5-3 Similar to the previous proposal, under the Senior Housing Alternative the applicant is willing to use natural tones for the construction of building exteriors and roofing materials.*

**3.6 TRAFFIC & TRANSPORTATION**

The Final EIS is prepared as an addendum to the Draft EIS. Often the final details of project review and negotiated mitigation measures are presented in the Final EIS and become the basis for the SEQRA findings. In this case, An evaluation of the impacts of the 107 Unit Senior Housing Alternative, compared to as of right development have been assessed.

The DEIS traffic Section 3.6 provides rates and trip generation projections for the previously proposed 80 unit townhouse project. Trip generation characteristics for Senior Housing are lower than trip generation for townhouse units which are not age restricted. A comparison of the trip generation rates and the number of vehicle trips that can be expected from the Preferred Senior Housing Alternative are shown in FEIS Table 3.6-1 and 3.6-2. As the tables show there is a reduction of 29 a.m. peak hour trips and a reduction of 45 p.m. peak hour trips as a result of the Senior Housing Alternative. This represents a 70% percent reduction in the site generated traffic.

<b>Table 3.6-1 Hyenga Lake - Trip Generation Rates</b>				
<b>Potential Land Use and Size {ITE Code}</b>	<b>Trips Rates <sup>1</sup></b>			
	<b>AM Peak Hour</b>		<b>PM Peak Hour</b>	
	<b>IN (Trips/ Unit)</b>	<b>OUT (Trips/ Unit)</b>	<b>IN (Trips/ Unit)</b>	<b>OUT (Trips/ Unit)</b>
Apartment Residential Unit - 80 Units {220}	0.11	0.43	0.50	0.27
Senior Adult Housing - 107 Units {252}	0.047	0.083	0.096	0.064

<sup>1</sup> Trip Generation, Institute of Transportation Engineers, 8th edition, Washington DC, 2008.

<b>Table 3.6-2 Hyenga Lake - Trip Generation</b>						
<b>Land Uses (size) {ITE Code}<sup>1</sup></b>	<b>Trips</b>					
	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
	<b>IN (Trips)</b>	<b>OUT (Trips)</b>	<b>Total</b>	<b>IN (Trips)</b>	<b>OUT (Trips)</b>	<b>Total</b>
Apartment Residential Unit (80) {220}	9	34	43	40	22	62
Senior Adult Housing - 107 Units {252}	5	9	14	10	7	17
Reduction in Trips Generated Senior Housing Alternative	(4)	(25)	(29)	(30)	(15)	(45)

<sup>1</sup>Trip Generation, Institute of Transportation Engineers, 8th edition, Washington DC, 2008.  
 Note: See Table 3.6-1 for rates.

**Comment 3.6-1 (Jeffrey Lawrence, Street Construction Inspector, Clarkstown Highway Department, June 29, 2007):** Detail sheet should include culvert specs & cross sections, showing clear span culvert. (see DEIS Appendix F - culvert design).

*Response 3.6-1: Culvert design has been provided in DEIS Appendix F. Additional details will be provided for the culvert design prior to final site plan approval.*

**Comment 3.6-2 (Jeffrey Lawrence, Street Construction Inspector, Clarkstown Highway Department, June 29, 2007):** Will the entrance & exit roadway on to Pipetown Hill Road remain private or will a section be dedicated as a town road? (i.e. Sierra Vista Lane) If dedicated must comply with town specs.

*Response 3.6-2: The Pipetown Hill Road access will be built to the Town of Clarkstown Specifications, dedication of a portion of the road would be at the discretion of the Town of Clarkstown.*

**Comment 3.6-3 (Jeffrey Lawrence, Street Construction Inspector, Town of Clarkstown Highway Department, June 29, 2007):** Will a traffic signal/one way turn lanes be installed or is it warranted onto Pipetown Hill Rd. (see appendix #1 - traffic reports) (Appears no light needed?)

*Response 3.6-3: The applicant is proposing to construct an eastbound left turn lane on Pipetown Hill Road, based upon traffic safety and traffic delay considerations. The Traffic volume on Pipetown Hill Road would not meet traffic signal warrants as defined by the NYS DOT.*

**Comment 3.6-4 (Letter, New York State Department of Transportation, July 24, 2007):** The NYS DOT will not support or approve any subject access other than the proposed emergency access to Route 59 because of traffic problems at this location.

*Response 3.6-4: The project as proposed will have a single access onto Pipetown Hill Road. Emergency only access will be available through the easement from Wide World Auto to NYS Route 59.*

**Comment 3.6-5 (Marvin Baum, Clarkstown Planning Board, Meeting July 25, 2007):** I am concerned about traffic onto and on Route 59. I have been at the site location many times, in particular during rush hour, and it does get nasty and frustrating, no matter what intersection you come into, there is congestion.

*Response 3.6-5: As stated above, access for this project will be onto Pipetown Hill Road. An earlier version of the traffic study provided traffic volume counts along NYS Route 59 in the vicinity of the existing access to the property. The p.m. peak hour is the most critical time period for this area, p.m. peak hour through volumes at this location are approximately 1,718 vehicles.*

*The preferred Senior Housing Alternative is anticipated to result in a reduction of 45 p.m. peak hour trips for a total peak hour trip generation of 17 p.m. peak hour vehicles, This is compared to the total site generated traffic from the previous project during the p.m. peak hour which was projected to be 62 vehicles. Approximately 20 % of the site*

*generated volume, or 3 additional vehicles would be anticipated to travel along NYS Route 59 during the p.m. peak hour under the Senior Housing Alternative.*

**Comment 3.6-6 (Robert Jackson, Member Clarkstown Town Board, Planning Board Meeting, July 25, 2007):** No school buses will be stopping at Pipetown Road. Where will they be stopping?

*Response 3.6-6: School bus stop pick-up and drop off will be handled in a manner similar to Omni Park, at the discretion of the School District. This comment is no longer relevant. Based upon the change in demographics and the restriction on Senior Housing, no school age children are expected to live at Hyenga Lake.*

**Comment 3.6-7 (George Hoehmann, Member Clarkstown Town Board, Planning Board Meeting, July 25, 2007):** Has the Applicant considered making a four way intersection and having the entrance to this project across from Omni?

*Response 3.6-7: Similar to the previously proposed project, This was considered for the Senior Housing Alternative however, based on a review of the grades and site plan layout, this is not feasible. There is a sufficient amount of separation between these two driveways so as to avoid conflict of turning movements including the left turns entering each development.*

**Comment 3.6-8 (Tracy Butone, Unit Owner and President, Omni Park Condominiums. Similar comments were made by Elizabeth Moore, South Central Avenue; Andrea Gannis, Resident of Omni Park Condominiums; and Ruth LaTor, Hidden Ridge, Public Hearing July 25, 2007):** Traffic is a disaster here. I do not want to see an exit on Pipetown Hill Road. It takes the unit owner an average of two to five minutes to leave the complex and numerous accidents have occurred. There should be speed limits as cars travel at 50-60 miles per hour.

*Response 3.6-8: Similar to the previously proposed project, under the Petered Senior Housing Alternative, the NYS DOT has precluded access for this project onto Route 59. The access onto Pipetown Hill Road is a significantly safer alternative. The proposed left turn lane into Hyenga Lake will help to alleviate delays on Pipetown Hill Road. Vehicle speeds along Pipetown Hill Road are an enforcement matter for the Clarkstown Police.*

**Comment 3.6-9 (Resident, Conklin Park, Public Hearing July 25, 2007):** How many vehicles would be generated during peak hours? If you have 80 units you could only assume you would have an extra 80 vehicles on the road.

*Response 3.6-9: As shown in Tables 3.6-1 and 3.6-2, the preferred Senior Housing Alternative at Hyenga Lake is projected to add 14 a.m. peak hour trips and 17 p.m. peak hour trips. The driving characteristics of a senior population also typically tend to take place outside of peak traffic commuting hours.*

**Comment 3.6-10 (Resident, Conklin Park, Public Hearing July 25, 2007):** Regarding the construction vehicles, the trucks are going to damage the existing roads more than what they are.

**Response 3.6-10:** *Similar to the previously proposed project, under the preferred Senior Housing Alternative, the construction company will take responsibility to restore the roads to existing conditions, should any damage occur during construction.*

**Comment 3.6-11 (Manager, Omni Park, Public Hearing July 25, 2007):** Not only is Pipetown Hill Road one lane in each direction, but the angle of the road when you are exiting or entering the property is dangerous. The incline and the speed of the road coming down make it very difficult to make a left turn.

**Response 3.6-11:** *Similar to the previously proposed project, under the preferred Senior Housing Alternative, the proposed Hyenga Lake project includes construction of an eastbound left turn lane, at the bottom of the hill to provide for safe stacking of left turning vehicles entering the site.*

**Comment 3.6-12 (Dennis Letson, Deputy Director Department Town of Clarkstown of Environmental Control, Public Hearing July 25, 2007):** I suggest that prior to the next appearance Leonard Jackson prepare and show the pavement markings on Pipetown Hill Road as they exist now so the Board could evaluate them.

**Response 3.6-12:** *A plan which shows the existing and proposed markings on Pipetown Hill Road has been prepared and is attached as the last page of the revised Traffic Analysis included as FEIS Appendix C.*

**Comment 3.6-13 (Andrea Gannis, Resident of Omni Park Condominiums, Public Hearing July 25, 2007):** Having an emergency access through this new project will only allow people from Route 59 to go through the complex.

**Response 3.6-13:** *The emergency access to NYS Route 59 is located over an easement from the property owner to the north, Wide World Auto. The access cuts through their parking area, and as such will not be conducive to everyday use.*

**Comment 3.6-14 (Betsey McKenna, Conklin Park, Public Hearing July 25, 2007):** I am concerned about access onto Pipetown Road; why not use Pascack?

**Response 3.6-14:** *The property does not have any frontage on Pascack Road.*

**Comment 3.6-15 (Letter, John Sarna, P.E., August 28, 2007):** The methodology follows the normal study procedures, and is acceptable.

**Response 3.6-15:** *Comment noted.*

**Comment 3.6-16 (Letter, John Sarna, P.E., August 28, 2007):** Description of Existing Road Network: On page 3, Pipetown Hill Road is described as providing residential access to the multifamily developments in the area. It does do that, but its principal use is to provide a travel route between areas in Spring Valley, Chestnut Ridge and other areas in Ramapo and the New York State Thruway, the Garden State Parkway Extension and the commercial areas in Clarkstown. As such, it is serving almost as a minor arterial. The traffic volumes bear this out. The description should be revised.

**Response 3.6-16:** *This revised description has been included in the introduction to the FEIS.*

**Comment 3.6-17 (Letter, John Sarna, P.E., August 28, 2007):** The same comment [as above] could apply to both Central Avenue and Pascack Road.

**Response 3.6-17:** *Comment noted.*

**Comment 3.6-18 (Letter, John Sarna, P.E., August 28, 2007):** The road descriptions do not indicate that all three of the studied intersections are signalized.

**Response 3.6-18:** *Page 3.6-1 of the DEIS provides a list of the intersections studied and notes which intersections are signalized.*

**Comment 3.6-19 (Letter, John Sarna, P.E., August 28, 2007):** 2008 No-Build Traffic Volumes: The annual background growth rate of two percent is acceptable.

**Response 3.6-19:** *Comment noted.*

**Comment 3.6-20 (Letter, John Sarna, P.E., August 28, 2007):** At this time a build year of 2008 seems unrealistic. This application has been around for a while, and it may have been valid at the beginning, but it is now nearing the end of 2007 and, with the SEQR reviews of both the DEIS and FEIS still to be completed, it does not seem reasonable that the development could be constructed and fully occupied by 2008. A completion date of 2010 might seem more reasonable, in which case the Build condition traffic volumes would increase by four percent, with corresponding increases to the Build condition volumes. The impact on the analyses, however, probably would not be significant.

**Response 3.6-20:** *Comment noted. Based upon the current consideration of the preferred Senior Housing alternative a completion date of 2010 is more realistic.*

**Comment 3.6-21 (Letter, John Sarna, P.E., August 28, 2007):** Site Generated Traffic Volumes: The estimates of generated traffic for the 80 DU apartment development, shown in Table No. I, conform to the ITE trip generation rates, and are acceptable.

**Response 3.6-21:** *Comment noted. Trip generation for the preferred alternative indicate 14 am. peak hour trips and 17 p.m. peak hour trips, which is a 70 percent reduction compared to the trip generation of the 80 townhouse units proposed in the DEIS.*

**Comment 3.6-22 (Letter, John Sarna, P.E., August 28, 2007):** Arrival and Departure Distributions: The directional distributions of the site generated traffic are reasonable. It should be noted that differences in these percentages of (say) ten percent would have negligible impact of the results.

**Response 3.6-22:** *Comment noted.*

**Comment 3.6-23 (Letter, John Sarna, P.E., August 28, 2007):** At the bottom of page 5 it is stated that "it should be noted that for the purpose of this analysis all site traffic is expected to use the Pipetown Hill Road access." My understanding is that Pipetown Hill Road is the only

site access, with any connection to Route 59 for emergency use only. This statement, which may have come from an earlier text version, could be misconstrued and should be revised.

**Response 3.6-23:** *Pipetown Hill Road is the single site access and access to NYS Route 59 is only for emergency purposes, this statement has been emphasized in the FEIS introduction to avoid any further confusion.*

**Comment 3.6-24 (Letter, John Sarna, P.E., August 28, 2007):** The capacity analysis, utilizing the 2000 Highway Capacity Manual and the HCS Highway Capacity Software, is done properly.

**Response 3.6-24:** *Comment noted.*

**Comment 3.6-25 (Letter, John Sarna, P.E., August 28, 2007):** The following errors are noted for the capacity analyses at the intersection of Pipetown Hill Road and Central Avenue:

- Under present conditions the right turn from Pipetown Hill into Central Avenue can move concurrently with the exclusive left turn movement from Central Avenue southbound into Pipetown Hill Road, and there is a right turn green arrow on the Pipetown Hill Road approach that controls this movement. For the Existing and No-Build and Build conditions this movement has not been factored into the capacity calculations; it is included in the recommended revised operation.
- The capacity on the Pipetown Hill Road approach has been calculated with 12 foot lanes. They actually measure slightly under 11 foot width.
- The capacity on the Pipetown Hill Road approach has been calculated assuming a three percent upgrade. The grade appears to be more than that. Note: John Collins Engineers has provided me with a rerun of the capacity analysis using an eight percent upgrade. The resulting capacity calculation shows, as expected, slightly higher v/c ratios and average vehicle delay times, but not by themselves enough to significantly affect the results.

**Response 3.6-25:** *Comments noted. The revised Traffic Analysis contained in Appendix C of this FEIS incorporates the appropriate revisions.*

**Comment 3.6-26 (Letter, John Sarna, P.E., August 28, 2007):** At the intersection of Pipetown Hill Road with Central Avenue, the capacity calculations for the 2008 No-Build and Build conditions show Level of Service E and F in the A.M. and P.M. peak hours respectively on Central Avenue approaches. The Traffic Impact Study recommends retiming the traffic signal to increase the cycle length from 66 to 70 seconds and to switch some green signal time from the Pipetown Hill Road approach to the Central Avenue approaches. The result produces better operations on the Central Avenue approaches, as well as for the overall intersection, but it does increase the v/c ratios and average vehicle delay times on the Pipetown Hill approach. In addition:

- Since the two-lane section of the Pipetown Hill approach is relatively short, a check should be made of the queuing on this approach under the revised signal timing to ascertain whether the approach can operate as a full two-lane section.
- The recommended signal timing calls for different phase timing in the A.M. and P.M. peak hours. A check should be made as to whether the existing signal controller can accommodate multiple signal phasing sequences, and/or whether any additional equipment, such as an

internal clock, might be required. It is noted that the recommended signal tuning revisions apply to both the Build and No-Build conditions.

- Finally, it should be noted that the intersection of Pipetown Road and Central Avenue is in the Village of Spring Valley, and the signal is not under the control of the Clarkstown Highway Department.

**Response 3.6-26:** *This is addressed in the October 28, 2007 letter from John Collins Engineers, a copy of which is contained in FEIS Appendix B.*

**Comment 3.6-27 (Letter, John Sarna, P.E., August 28, 2007):** The items listed above, when corrected, should not result in significant changes in the calculated results or in the DEIS findings, but they should be addressed and corrected where necessary in order to have a fully supportable SEQR document, which ultimately becomes an official Planning Board document.

**Response 3.6-27:** *Comment noted. The appropriate revisions have been included in the Revised Traffic Analysis included as FEIS Appendix C.*

**Comment 3.6-28 (Letter, John Sarna, P.E., August 28, 2007):** The results of the traffic study are summarized in Section 3.6 of the Draft Environmental Impact Statement under the heading Impact on Transportation. The full Traffic Impact Study is included as Appendix I of the DEIS.

- All revisions made to the Traffic Impact Study as a result either of this review or of any other comments should be reflected in Section 3.6 of the Draft Environmental Impact Statement as well.
- Figure 3.6-2, Intersections Studied, shows an access to Route 59, and indicates that the intersection of this access with Route 59 was studied. It does not show that the intersections of Pascack Road with Pipetown Hill Road and with Forman Drive were studied. This figure, which may have been taken directly from an earlier version of the DEIS, needs to be revised and/or replaced.

**Response 3.6-28:** *The complete Revised Traffic Analysis has been included in the FEIS Appendix C, Revised Traffic Analysis. The FEIS Introduction notes that the most recent Traffic analysis supersedes all previous Traffic Analysis. Revised DEIS figures have been included as replacement pages in the FEIS Appendix C, Revised Traffic Analysis.*

**Comment 3.6-29 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):** One of the alternatives noted, on page 4-2, briefly examines alternate access, with only the Route 59 access being available. Page 4-3 includes a summary of an earlier traffic study by John Collins Engineers that evaluated two entrances - one at Route 59 carrying 65 percent of the traffic during peak periods and the other at Pipetown Hill Road carrying 35 percent during peak periods. The summary does not indicate whether changes in pavement marking would be necessary to allow for westbound left turn lanes. If the Planning Board wishes to fully evaluate Route 59 as the only access, some additional analysis would be appropriate.

**Response 3.6-29:** *The NYS DOT has stated they will not allow any access to NYS Route 59 other than emergency access, thus rendering of this alternative void.*

**Comment 3.6-30 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):** Executive Summary, page 1-1 refers to the driveway providing access to Route 59, but does not refer to its being intended for emergency access only. This should be clarified. Page 1-10 refers to this access as secondary.

*Response 3.6-30: Pipetown Hill Road is the single site access and access to NYS Route 59 is only for emergency purposes, this statement has been emphasized in the FEIS introduction to avoid any further confusion.*

**Comment 3.6-31 (Letter, Dennis M. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** What is the implication of timing between this project and construction of the access from Route 59 by others? Is this a second primary access or emergency access only?

*Response 3.6-31: As stated, the Route 59 access will be for emergency purposes only, and the project will no longer rely on construction of this access by others. The existing site access from NYS Route 59 is anticipated to be used for construction vehicles to complete construction of the culvert. Upon completion of the culvert, a stabilized construction access will be available from Pipetown Hill Road for the remainder of construction. Due to the amount of time which has passed in development of the preferred Senior Housing Alternative, the construction of Wide World Auto and the emergency access provided over their easement is constructed and ready to be used.*

**Comment 3.6-32 (Robert Jackson, Member Clarkstown Planning Board, Public Hearing, September 26, 2007):** With the increased truck traffic coming down Pipetown Hill Road, once the County builds its new garage around the block from this project, a left turn lane going into this project would help coming eastbound. You will have large trucks coming down Pipetown Hill Road towards Pascack Road, and it would be a good idea to have a turning lane into this project. Otherwise, when people do turn into this project, it will back up traffic further down Pipetown Hill Road.

*Response 3.6-32: Similar to the previously proposed project, under the preferred Senior Housing Alternative, the applicant has committed to construction of an eastbound left turn lane as part of the project.*

**Comment 3.6-33 (Robert Jackson, Member Clarkstown Planning Board, Public Hearing, September 26, 2007):** I don't think your map shows a sidewalk on your side of Pipetown Hill Road. I am requesting it since we have shopping nearby, children, school buses and the like.

*Response 3.6-33: Sidewalks are not proposed as part of this project.*

**(Comment 3.6-34 George Hoehmann, Member Clarkstown Planning Board, Public Hearing, September 26, 2007):** I had asked the question regarding looking at realigning your entrance with the park and looking at a four-way intersection.

*Response 3.6-34: This was considered however, based on a review of the grades and site plan layout, this is not feasible. There is a sufficient amount of separation between these two driveways so as to avoid conflict of turning movements including the left turns entering each development.*

**Comment 3.6-35 (Richard Shoberg, Member Clarkstown Planning Board, Public Hearing, September 26, 2007):** I see an increase in traffic all through Clarkstown. People are going to use Pipetown Hill Road. You have a Lowe's going in, and people find other avenues and short-cuts. If you don't put a left turn lane in at this point, you can't retrofit it, and so that's why I think it's essential that it be done now, because it's planning for what is to come and I think it solves the situation or mitigates it to some degree.

*Response 3.6-35: Similar to the previously proposed project, under the preferred Senior Housing Alternative, the applicant has committed to construction of an eastbound left turn lane as part of the project. Construction of the preferred Senior Housing Alternative results in a 70% decrease in the Traffic to be generated by the proposed project.*

**Comment 3.6-36 (George Hoehmann, Member Clarkstown Planning Board, Public Hearing, September 26, 2007):** Because of the grade of the road, if an inattentive driver made an aggressive move it could result in slipping on the pavement. A left turn lane will make it a safer area for these additional units to be able to be accessed for additional vehicles.

*Response 3.6-36: Similar to the previously proposed project, under the preferred Senior Housing Alternative, the applicant has committed to construction of an eastbound left turn lane as part of the project.*

**Comment 3.6-37 Mr. Tanler, President of the Board of Managers of the Conklin Park Condominium, Public Hearing, September 26, 2007):** I can tell you anecdotally that I have witnessed personally an extraordinary amount of traffic cascading down Pipetown Hill Road long before there was even the additional condos, which were put up since I moved in. And I can tell you this: It is a speedway. Pipetown Hill Road is used by hot rodders late at night. Ordinary drivers use it in total disregard for speeding laws, and this is without a traffic light. My first recommendation is, if there is any way that a traffic light can be installed at this location, whether or not you approve of this development, it is needed, because you have people going 60-70 miles an hour up and down this road at all hours of the day.

*Response 3.6-37: Traffic volumes are not sufficient to meet the NYS DOT warrants for a traffic signal. The reduction in projected site generated traffic as a result of the preferred Senior Housing alternative further reduce projected volumes along this roadway. Enforcement of the speed limit is a matter for the Clarkstown Police Department.*

**Comment 3.6-38 Mr. Tanler, President of the Board of Managers of the Conklin Park Condominium, Public Hearing, September 26, 2007):** Pulling out of my development we have two ways of doing so. I have sometimes sat there at hours of the day anywhere from five to ten minutes until I am able to pull out. When traffic is coming either from Pascack or down from Central, it is almost impossible to pull out, so there needs to be some way to provide a degree of safety for drivers and pedestrians as they try to get into this flow of traffic. You have 80 units being proposed with hundreds of people moving in...An extraordinary amount of traffic will be added. You need to address that.

*Response 3.6-38: Development of the preferred Senior Housing alternative for Hyenga Lake is projected to add 14 a.m. peak hour trips and 17 p.m. peak hour trips. A left turn*

*lane has been included as part of the project to alleviate delays along Pipetown Hill Road .*

**Comment 3.6-39 (Ms. Ricketts, Public Hearing, September 26, 2007):** I just need some clarification on basically this trip generation manual because I noticed in the report the current edition is from. I am curious, based on development that has happened over the past four years, what type of factors were included in your model to represent Nanuet?

***Response 3.6-39:*** Existing traffic volume counts of the vehicles actually at the intersections studied was the basis of the Traffic Analysis.

**Comment 3.6-40 (Ms. Ricketts, Public Hearing, September 26, 2007):** We have testimony from people who live on the street, that they know traffic is a problem, but your trip rate, your whole model is saying that it isn't, so there is obviously a discrepancy.

***Response 3.6-40:*** The problems identified primarily have to do with excessive speeding along Pipetown Hill Road and delays exiting the existing developments. The additional traffic generated by the Hyenga Lake Project will not have a significant impact on traffic operations in the area. Construction of a left turn lane on Pipetown Hill Road are expected to result in an overall improvement to traffic operating conditions.

**Comment 3.6-41 (Ms. Ricketts, Public Hearing, September 26, 2007):** As Mr. Tanler said, it is normal to have to wait at least five minutes to get out of the Conklin Park complex, so this is not, "We had an accident on 59 and people are trying to take an alternative route," this is every day, all day...So as far as putting in a left or right turn, is it safe to infer that you guys will be widening the road or using the existing road and just painting some lines and arrows?

***Response 3.6-41:*** Similar to the previously proposed project, under the preferred Senior Housing Alternative, the improvements will include a combination of road widening and new pavement marking as shown on Drawing CP-1 in Appendix C.

**Comment 3.6-42 (Lawrence Tall, Manager of Conklin Park Condos, Public Hearing, September 26, 2007):** I suggest that the traffic consultant go to the municipality, go to Clarkstown and Spring Valley police and get their accident reports because 13 in a two or three year period ...the information from the DOT may not be accurate.

***Response 3.6-42:*** The database includes all reported accidents.

**Comment 3.6-43 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 5, 2007):** Comments shall be requested from the Rockland County Department of Highways and all concerns shall be addressed.

***Response 3.6-43:*** Comment noted.

**Comment 3.6-44(Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 5, 2007):** The proposed subdivisions may require sidewalks for safe pedestrian access through and within the proposed project.

***Response 3.6-44:*** No Sidewalks are proposed as part of this project.

**Comment 3.6-45 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 5, 2007):** The proposed disposal site for fill that is to be removed from the site shall be listed in order to determine the full effect on the local road system and the impacts on local traffic. Additionally, the applicant shall abide by all regulations regarding the disposal of fill from construction projects..

***Response 3.6-45:*** The proposed disposal site is not known at this time and is at the discretion of the construction company. It is anticipated that the trucks carrying fill would access I-287 and would not impact local roads other than Pipetown Hill Road.

**Comment 3.6-46 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 5, 2007):** The proposed construction truck movements on and off the highways could impact traffic flow. Therefore, the New York State Department of Transportation shall review the applicant's construction plans relative to the state highway.

***Response 3.6-46:*** NYS DOT is an involved agency and thus will review all plans prior to final site plan approval.

**Comment 3.6-47 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 5, 2007):** The local fire and emergency personnel shall review the plan to determine the effectiveness of the proposed emergency access and the internal flow of the site to determine if there is sufficient area for emergency equipment, and if the location of emergency parking and/or access is appropriate.

***Response 3.6-47:*** Comment noted. Plans for the preferred Senior Housing alternative now proposed shall be submitted to the local fire and emergency personnel for comment prior to preliminary site plan approval.

**Comment 3.6-48 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 5, 2007):** A decision should be made during the review process about whether two means of access are preferred for this project, especially given the number of units proposed and residents' needs to access the state highway Route 59..

***Response 3.6-48:*** Emergency only access is proposed to access NYS Route 59 via an easement over the Wide World Property to the north. The NYS DOT has firmly stated this access can be for emergency purposes only.

**Comment 3.6-49 (Marvin Baum, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** John Collins refers to the accident study as I think Table A. It's actually Table B, I believe.

***Response 3.6-49: Comment noted.***

**Comment 3.6-50 (Marvin Baum, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** It seems to me there were a fair number of accidents. I don't have other roads to compare it against, and one of the concerns I have just overall is that when you have a road that does seem to have a fair number of accidents, that even small changes may have a higher percentage impact than just what you would expect if there is an increase in traffic during peak hour of, you know, three percent or five percent. Does that mean you will have the probability of a three or five percent increase in traffic accidents, or could it be eight percent you get?

***Response 3.6-50: The expected traffic volume increases from the preferred Senior Housing alternative can be accommodated without a significant impact. The peak hour traffic volume increases along Pipetown Hill Road will result in a 0.1% increase in traffic volume. This should not increase the accident rate for this roadway. The Applicant is providing access improvements to minimize safety impacts.***

**Comment 3.6-52 (Marvin Baum, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** This does tend to be an area where there are a number of undocumented people living. I don't know if people the people have insurance. Are there are additional accidents that aren't showing up on the accident data, you know, a fender bender, something minimal they don't want to get involved in making a big issue?

***Response 3.6-52: There may be some other unreported accidents but significant accidents are included in the database.***

**Comment 3.6-53 (Robert Jackson, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** We never considered putting an entrance/exit out to 59, everything has been on Pipetown Road?

***Response 3.6-53: The existing access to this site is currently from NYS Route 59. Under the preferred Senior Housing alternative proposed, emergency only access is proposed to access NYS Route 59 via an easement over the Wide World Property to the north. The NYS DOT has firmly stated this access can be for emergency purposes only.***

### **3.7 ENERGY & UTILITIES**

**Comment 3.7-1 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** The District maintains sewers in an easement on the above property. Drawings that Atzl., Scatassa & Zigler prepared in 2005 did not show the sewers or the easement. We had submitted a partial plan of the District's Comprehensive Sewer Plans showing our sewers on this property with a letter to the Planning Board dated March 9, 2005.

*Response 3.7-1: The location of Sewers, as per the Rockland County Sewer District's Comprehensive Sewer Plans, on this property will be included on the site plans submitted for approval signature.*

**Comment 3.7-2 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** Our office must approve any construction to be done within our easements.

*Response 3.7-2: Similar to the previous proposal, under the Senior Housing Alternative plans will be submitted to the Rockland County Sewer District for approval prior to final site plan approval.*

**Comment 3.7-3 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** . No permanent structures may be built within our easements.

*Response 3.7-3: Similar to the previous proposal, under the Senior Housing Alternative no permanent structures are proposed within the Rockland County District easements.*

**Comment 3.7-4 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, we must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.

*Response 3.7-4: Similar to the previous proposal, under the Senior Housing Alternative potential areas of excavation work or major excavation which are of concern to the Rockland Sewer District will be noted on the approved site plan. Forty eight hour notice will be given prior to any work being conducted within the identified areas.*

**Comment 3.7-5 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement

*Response 3.7-5: Similar to the previous proposal, under the Senior Housing Alternative the Sewer District will be notified prior to any work being conducted within any easement area. As described above, areas of concern will be identified in advance on the approved site plan.*

**Comment 3.7-6 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** The contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within our easements and on our facilities.

*Response 3.7-6: The Hyenga Lake-RHAC partnership will secure the required insurance and hold harmless agreements prior to construction on the project site.*

**Comment 3.7-7 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** If, as the DEIS states, the project sponsor intends to connect this development to the sewers on Route 59 and thereby abandon the existing sewers on this site, the project sponsor must address the abandoned sewers and easement in the proposal.

*Response 3.7-7: Similar to the previous proposal, under the Senior Housing Alternative sewers are anticipated to connect to the sewer main located near NYS Route 59. The abandoned sewers will be removed from any area disturbed during construction. Abandoned sewers located in undisturbed areas will remain intact.*

**Comment 3.7-8 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** The "Wastewater" paragraph of Section 1.2,7 (Utilities) on page 1-13 of the DEIS refers to "Rockland County Sewer District No. 11". Please note that we are Rockland County Sewer District No. 1, not 11.

*Response 3.7-8: Comment noted.*

**Comment 3.7-9 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** Section 1.3 (Listing of Permits and Approvals Required) on page 1-18 of the DEIS lists Rockland County Sewer District No. 1 as an "Interested Agency" only, and not as an "Involved Agency" with permitting authority over the proposed project. However, all permits, fees and inspections associated with sanitary sewer construction within the Village of Spring Valley are the responsibility of the District. Since the sewers from this project will connect to sewers on Route 59 that are in Spring Valley, a permit must be obtained from the District. This will require approval of the details for connecting to the existing sewers, and submittal of all necessary insurance, bonds, indemnification, and permit fees. Please have the EIS revised to list Rockland County Sewer District No. 1 as an Involved Agency.

*Response 3.7-9: Rockland County Sewer District No. 1 will be considered as an involved agency. Plans for the preferred Senior Housing Alternative now proposed will be sent to the Rockland County Sewer District for review and comment as part of the FEIS distribution. Since there is a new Preferred Senior Housing Alternative, a public hearing on the FEIS will be conducted thus offering an additional opportunity for public comment on this project. Comments received on this FEIS, including the Preferred Senior Housing Alternative will be addressed in an FEIS addendum to be circulated to all involved and interested agencies and made part of the Final SEQRA record pertaining to this action*

**Comment 3.7-10 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** Section 3.7.9 (Wastewater-Existing Conditions) on page 3.7-3 of the DEIS states, "The design capacity of the WPCF plant is approximately 29 million gallons per day." Please note that this is the *permitted* capacity of the plant, and not necessarily the *design* capacity.

***Response 3.7-10:*** Comment noted.

**Comment 3.7-11 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** Since the District was not listed as an Involved Agency, we did not receive the set of engineering plans to which Section 3.7.10 (Wastewater - Potential Impacts & Mitigation) refers on page 3.7-3 of the DEIS. Per the latest set of plans in our possession for this project, an easement for the sewer extension crossing Tax Lots 57.56-2-8 and 57.65-1-1 must be filed before granting approval to tie in.

***Response 3.7-11:*** The Hyenga Lake development has an access easement, including utility access across the Wide World Auto property to gain access to NYS Route 59. Plans for the Preferred Senior Housing Alternative now proposed will be sent to the Rockland County Sewer District for review and comment as part of the FEIS distribution. Since there is a new Preferred Senior Housing Alternative a public hearing on the FEIS will be conducted thus offering an additional opportunity for public comment on this project. Comments received on this FEIS, including the Preferred Senior Housing Alternative will be addressed in an FEIS addendum to be circulated to all involved and interested agencies and made part of the Final SEQRA record pertaining to this action.

**Comment 3.7-12 (Letter, Joseph LaFiandra, Engineer II, County of Rockland, Sewer District No. 1, August 8, 2007):** Section 3.7.10 (Wastewater - Potential Impacts & Mitigation) on page 3.7-3 of the DEIS states, "The proposed project will be served by facilities owned and operated by Rockland County." Actually, the sewers for the proposed project are tributary to sewers that are owned by the Village of Spring Valley and Rockland County Sewer District No.1 (not Rockland County). In addition, Rockland County Sewer District No. 1 maintains the sanitary sewers that the Village of Spring Valley owns.

***Response 3.7-12:*** Comment noted, This reference will be corrected in all future text.

**Comment 3.7-13 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):** Page 3.7-4 refers to the sewage collection and treatment system and states that "...no additional mitigation is proposed beyond the payment of the necessary taxes by future residents and dedication of the on-site collection system to the Town." The payment of taxes is not mitigation - it is a requirement. The on-site collection system will not necessarily be dedicated to the town. This statement should be clarified.

***Response 3.7-13:*** At the Town's discretion, it is anticipated the on-site sewer collection system will be dedicated to the Town of Clarkstown and become part of the Rockland County Sewer District No. 1.

**Comment 3.7-14 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** Utilities: Information from the RC Health Department and United Water regarding extent of water resources available for new development should be secured for this project.

*Response 3.7-14: Prior to final site plan approval, the applicant will contact United Water of New York to ensure there will be a sufficient water supply during peak demand periods and in a drought situation,.*

**Comment 3.7-15 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 2, 2007):** Projects requiring water main extensions and all public water supply improvements shall be reviewed by the Rockland County Department of Health prior to construction. Plans must be signed and stamped by a NYS Professional Licensed Engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

*Response 3.7-15: The necessary signatures and approvals will be secured prior to final site plan approval.*

**Comment 3.7-16 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 2, 2007):** Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. Prior to approval of the proposed project, a letter from the public water supplier shall be issued, indicating there will be a sufficient water supply during peak demand periods and in a drought situation.

*Response 3.7-16: Prior to final site plan approval, he applicant will contact United Water of New York to ensure there will be a sufficient water supply during peak demand periods and in a drought situation.*

**Comment 3.7-17 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 2, 2007):** Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

*Response 3.7-17: Comment noted.*

**Comment 3.7-18 (Letter, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning, November 2, 2007):** Even though Rockland County Sewer District #1's facilities are discussed in Sections 3.7.9 and 10, there is no indication from that Sewer District that there is sufficient capacity to serve the proposed development upon completion. The Town should receive notification from the District indicating such.

*Response 3.7-18: Prior to final site plan approval, the applicant will secure a letter from the Rockland County Sewer District to ensure there is sufficient capacity to serve the proposed development upon completion.*

### **3.8 COMMUNITY FACILITIES & SERVICES**

Since 1986, the Rockland Housing Action Coalition, Inc., also known as RHAC, has made significant strides in providing cost-effective housing for income eligible families and active adults in Rockland County. Partnerships have been created with local builders, lending institutions, government officials, grant providers, community based organizations and dedicated individuals who support the RHAC mission of providing cost-effective homes to middle income individuals and families.

In recent years, RHAC has been working with the public and private sectors to develop rental housing for our growing senior population. The Coalition is always moving in new directions, seeking new ways to fulfill our mission to provide cost effective rental and for sale homes for Rockland residents, help us to create housing opportunities. build new homes, administer all of our counseling programs and empower individuals with the skills they need to find affordable housing in Rockland County, close to their families and friends.

The preferred Senior Housing Alternative has been developed by the applicant in response to the demonstrated need for affordable senior citizen housing in the Town of Clarkstown. Appendix F contains a Market Demand Analysis for this type of housing in this region. As stated in a letter from the Town Board, dated January 27, 2009, the town supervisor states, "On behalf of the Town Board and the Town of Clarkstown, I am writing to express our support of the Rockland Housing Action Coalition's application for funding to the New York State Division of Housing and Community Renewal's Low Income Tax Credit Program and the New York State Housing Trust Fund Corporation to develop Hyenga Lake as a rental apartment complex for low income Seniors.

The letter further states, "The proposed use is allowable by special permit of the Town Board, and while (the supervisor) cannot commit the Town Board to a future vote, both the Town Board and the Planning Board have expressed a preference for the proposed development over the as of right use." Based upon the preference, the applicant is willing to make this preferred alternative the project proposed for construction. The applicant intends to partner with the RHAC in a not-for-profit arrangement to provide affordable rental housing units to senior citizens who have been income qualified by the RHAC.

The proposed Affordable Senior Housing project intends to apply for a Payment in Lieu of Taxes (PILOT) tax abatement. A PILOT tax abatement commits municipal fiscal resources to help to meet the needs of the community. In the Town Board's January 27, 2009 letter it further stipulates that, "The Town Board has in the past, supported PILOT programs to defray some of the building costs and reduce rents. I (the supervisor) believe the board would be supportive of a PILOT in this case as well."

The following Fiscal Analysis compares existing conditions to the previous 80 townhouse unit proposal and the 107 unit affordable senior housing preferred alternative to assess fiscal impact of this proposal. For ease of comparison, the assessed values and tax projections are based on the same rates as were used in the DEIS.

*Current Assessed Value*

The assessed value of the existing project site is \$481,000. According to the Clarkstown Assessor's office, in 2006, the total annual property taxes including highway taxes, generated by the project site and paid to the Town of Clarkstown are \$17,139, Rockland County receives \$1,920, while the annual property taxes paid to the school district are \$23,674. As discussed in the DEIS, the Town of Clarkstown utilizes the homestead tax rate for residential property owners.

*Projected Assessed Value - 80 Townhouse Units*

The previous proposal was to construct 80 units of multifamily housing in eleven two story buildings. Nine of the buildings will be 8 unit structures with four, one bedroom units on the first floor, and four, two bedroom units on the second floor. The two remaining buildings will each have two, one bedroom units on the first floor and two, two bedroom units on the second floor. For the purpose of this analysis, it is assumed the units will be market rate "for sale" condominiums. The units would likely sell for approximately \$250,000 for a one bedroom unit and \$285,000 for a two bedroom unit.

Based upon the projected sales price, the total market value of the previously proposed project is estimated to be \$21,400,000. Using the Town's 2006 equalization rate of 31.0 percent, the total Market Assessed Value of the proposed project used for this analysis is \$ 6,634,000.

*Projected Property Taxes - 107 Units Affordable Housing PILOT Tax Abatement*

A PILOT tax abatement agreement is a payment in lieu of taxes made by the property owner at a reduced rate compared to a full market value tax assessment, in exchange for the applicant providing a service or opportunity which meets the needs of the community. The project is in effect underwritten by the municipality in order to provide a service, in this case, affordable housing, which meet the needs of the community. The PILOT agreement is negotiated on a case by case basis, between the applicant and the Town Board, usually for a period of 10 years or more, not to exceed 40 years.

The most recent PILOT in the Town of Clarkstown, negotiated by the RHAC, who will partner with the Hyenga Lake Development, LLC in a not-for-profit arrangement to provide affordable housing, was Seton Village. The terms of this PILOT agreement have been used to project anticipated taxes to be paid by the Hyenga Lake project upon successful negotiation of a PILOT agreement with the town.

The terms of the comparable Housing PILOT agreement are as follows;

- 10 Year Term
- taxes to be paid = \$410 per unit.
- 5% annual increase in the per unit taxes to be paid
- Disbursement;
  - Town 25%
  - School 60%
  - County 15%

Based upon the terms of this representative PILOT agreement the Taxes projected to be paid by the Hyenga Lake development are shown in Table 3.8-1. The Hyenga Lake Senior Housing Development will be constructed in two phases, building one will be constructed first with 66 units, and building two will be constructed second with 41 units, thus the tax analysis shows the taxes to be paid, for Building One and Full Build over the course of the 10 year PILOT agreement.

<b>Table 3.8-1 Taxes projected to be paid by Hyenga Lake Senior Housing Development</b>		
<b>Year</b>	<b>Building One</b>	<b>Full Build</b>
<b>1</b>	\$27,060	\$43,870
<b>2</b>	\$28,413	\$46,064
<b>3</b>	\$29,834	\$48,367
<b>4</b>	\$31,325	\$50,785
<b>5</b>	\$32,892	\$53,324
<b>6</b>	\$34,356	\$55,990
<b>7</b>	\$36,263	\$58,790
<b>8</b>	\$38,076	\$61,730
<b>9</b>	\$39,980	\$64,816
<b>10</b>	\$41,979	\$68,057
Source: Rockland Housing Action Coalition, May 10, 2009.		

Table 3.8-1 illustrates that at full build, in year 10 of the PILOT agreement, a total of \$68,057 will be paid in taxes. The representative PILOT agreement apportions 25% of these taxes to the Town and 60% to the school district with the remaining 15% going to Rockland County. Since the Hyenga Lake Senior Development is age restricted, it is more likely that 60% will go to the Town and 25% will go to the School District, with the remaining 15% to be allocated to the County.

*Current and Projected Tax Revenues*

Table 3.8-2 compares the taxes generated by the existing property to the taxes to be generated by the previous Hyenga Lake townhouse proposal, and further compares the taxes to be generated by the preferred alternative under a PILOT agreement. As stated, For ease of comparison, the assessed values and tax projections are based on the same rates as were used in the DEIS.

According to the Town of Clarkstown, Receiver of Taxes, the Town's tax rate includes town governmental services, highway maintenance, public parking, lighting and special assessments for water and sewer districts; the taxes to the Spring Valley Fire and Nanuet Community Ambulance Districts are also included. As presented in Table 3.8-2, The total tax revenues generated by the site as a result of the 107 Senior Housing proposal paid to the Town would be approximately \$40,834 annually, and annual taxes paid to Rockland County would be \$10,209.

<b>Table 3.8-2</b>			
<b>Current &amp; Projected Taxes Generated by Project Site</b>			
Taxing Authority	Current Taxes (\$)	80 Units Townhouse Projected Taxes Total (\$)	107 Units Senior Housing PILOT Projected Taxes Total (\$)
<b>Rockland County</b>	<b>\$1,920</b>	<b>\$26,480</b>	<b>\$10,209</b>
<b>Town of Clarkstown</b>	<b>\$17,139</b>	<b>\$155,111</b>	<b>\$40,834</b>
<b>East Ramapo School Tax</b>	<b>\$23,674</b>	<b>\$326,515</b>	<b>\$17,014</b>
<b>TOTAL</b>	<b>\$42,733</b>	<b>\$508,106</b>	<b>\$68,057</b>
<b>Notes:</b> (1) Tax Rate per \$1,000 of Assessed Valuation. ** Tax Rate is assessed per unit Municipal taxes are based upon Town of Clarkstown 2006 Homestead Tax Rates. East Ramapo Central School Tax Rates are for the 2005-2006 school year.			

Annual tax revenues to the East Ramapo Central School District would be approximately \$17,014. This would be net revenue, since the restrictions on Senior Housing prohibit school age children.

*Costs Associated with the Proposed Project*

An approximate estimate of costs to the Town of Clarkstown associated with the proposed residential development may be determined by obtaining a reasonable composite of current costs on a per capita basis and multiplying this amount by the anticipated population of the proposed project.

Through a review of the Town's operating budget, the amount of expenditures can be derived and, by dividing the population into the amount of expenditures, the per capita cost can be determined. To estimate the portion of the per capita cost which is paid for by property tax revenues (as opposed to other forms of income to the Town), the per capita cost is multiplied by the proportion that property tax revenue comprises of the overall income stream. As detailed in the DEIS, a per capita municipal cost of \$1,075 per person for municipal services has been established. This represents a "worst-case" estimate of per capita costs, as the commercial and other land uses in the Town also place demand on the various Town and other governmental services which are not considered in deriving the per capita cost.

As detailed in the DEIS, the 80 Townhouse project would generate 142 persons, including 22 schoolage children. Based on a per capita cost of \$1,075, the additional costs to the Town of Clarkstown are projected to be approximately \$152,650.

Based upon the difference in demographics, and the fact that the 106 units of senior housing are all one bedroom units (the superintendent apartment is a two bedroom unit), the projected population of the Senior Housing Alternative is estimated to be 129 persons with no school age

children.<sup>1</sup> Thus, based on a per capita cost of \$1,075, the costs to the Town of Clarkstown are projected to be approximately \$138,675.

#### *Net Revenue*

As shown in Table 3.8-2, although the tax revenue generated by the Senior Housing Alternative is reduced compared to the 80 unit townhouse development, a comparison of the existing tax revenue to the total future project-generated tax revenues indicates there will be a net increase of approximately \$25,324, while still meeting the need to provide affordable housing to the community.

**Comment 3.8-1 (Marvin Baum, Clarkstown Planning Board, Public Hearing September 26, 2007):** How did the Applicant arrive at the number of children that this development would generate? (80 units with 22 children.)

**Response 3.8-1:** *The Hyenga Lake development has been designed to include one- and two-bedroom dwellings. However, for purposes of providing a generous estimate of the total number of school age children that would be introduced by the development, a "worst-case analysis" was conducted using student multipliers for two- and three-bedroom dwellings, since the number of school age children generated by this scenario would be higher than if one and two bedroom unit multipliers were used. Demographic multipliers for common configurations of standard housing types for school-age children published in the Urban Land Institute's Development Impact Assessment Handbook based upon research of Robert Burchell and David Listokin, noted researchers in their field. These multipliers project that, in the northeast region, 0.1393 school age children per household would be generated by a two-bedroom multifamily unit, and 0.4151 school age children would be generated by a three bedroom unit. Based upon these conservative multipliers, approximately 22 students are projected to reside in the Hyenga Lake development.*

*The Rutgers University Center for Urban Policy Research has published more recent multipliers, (June 2006) are also the result of research by Burchell, Listokin and Dolphin, and are based upon region of the country, housing type, bedroom count, similar to the ULI Handbook and are further fine tuned based upon purchase price. This demographic study indicates that the 2- and 3- bedroom units in the northeast area of the county for a single family attached units would be 0.14 students and 0.39 students, thus supporting the demographic projections made in the DEIS.*

*This comment is not relevant to the Preferred Senior Housing Alternative now being proposed. This alternative is for 106 one bedroom apartments and one, two bedroom superintendent apartment. Based upon the change in demographics and the restrictions on residents, no school age children are anticipated to reside at Hyenga Lake*

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<sup>1</sup> According to the Rutgers Center for Urban Policy Research, the demographic multiplier for a one bedroom unit in a multifamily building is 1.32 persons, there are no published multipliers for age restricted housing, the Rutgers CUPR is the best available resource for demographic multipliers, and are differentiated by unit type, bedroom count and rental or ownership value. The student multiplier for this same category is 0.21, the overall multiplier could be reduced by this number, since the project is restricted to adults. In order to provide a conservative estimate a multiplier of 1.2 has been used.

**Comment 3.8-2 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):**

Executive Summary, page 1-2 estimates that projected selling prices would be \$250,000 for one bedroom units and \$285,000 for two bedroom units. With the passage of time since the draft DEIS was completed, do these figures need to be adjusted?

*Response 3.8-2: Given the current uncertainty regarding economic conditions, these values appear reasonable for projection purposes. Actual selling prices will be dependent upon market conditions at the time of sale. This comment is not relevant to the Preferred Senior Housing Alternative now being proposed. The Preferred Senior Housing Alternative includes 106 rental apartments to be managed by the Rockland Housing Action Coalition, whereby residents will be income qualified in order to be eligible to live here.*

**Comment 3.8-2 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):**

Page 2-4 includes a MILL fee of \$7,200 per lot. The project sponsor should confirm the accuracy of this figure, and include it in the fiscal impact.

*Response 3.8-3: Page 2-4 states, "on-site recreation has been provided in the form of a community building. In addition, the Project Sponsor proposes to pay the applicable fee in lieu of recreation land as per the Town's site plan regulations. Recreation fees are currently \$7,200 per lot." This comment is not relevant to the Preferred Senior Housing Alternative now being proposed.*

*The applicant will pay the prevailing fee at the time of site plan approval. This is a one time fee which is part of the construction cost of the project and as such does not have a direct impact on the long term fiscal impact of the project upon the Town of Clarkstown.*

**Comment 3.8-4 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):**

The Police Headquarters is located northeast of the project site.

*Response 3.8-4: Comment noted.*

**Comment 3.8-5 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):**

The fire department response included in the correspondence indicates the general statistics for that district. There is no direct response as to the impact of this project on the ability to provide service; additional information should be secured.

*Response 3.8-5: A second letter has been sent to the Spring Valley Fire Department, dated, January 30, 2008, requesting they assess the impact of construction of the Hyenga Lake project to the Fire District, no response has been received. If a timely response is received, it will be included in Appendix B and distributed as part of the final FEIS. In accordance with SEQRA, this FEIS provides written responses to substantive and relevant comments on the DEIS received by the lead agency during the public review period. Since there is a new Preferred Senior Housing Alternative being considered, a public hearing on the FEIS will be conducted thus offering an additional opportunity for public comment on this project. Comments received on this FEIS, including the*

*Preferred Senior Housing Alternative will be addressed in an FEIS addendum to be circulated to all involved and interested agencies and made part of the Final SEQRA record pertaining to this action.*

**Comment 3.8-6 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** Pg. 1-12: The tax generation numbers would indicate that the project is a net cash benefit to the (school) district. An analysis of the potential impact of the increased cost and its effect on rate per \$1000 should be provided to verify that the overall cost to district taxpayers will not increase.

***Response 3.8-6:** The school tax rate is based upon the School Budget. The tax rate equals the amount of tax revenue necessary to fund the School District budget after considering all forms of revenue, i.e. State Aid. The tax rate equals the amount of tax revenue necessary to be raised by taxes, divided by the total assessed value of property within the school district. The project will increase the cost to the school district, however the increase in tax revenue is greater than the increase in cost, thus resulting in a lower tax rate to generate the revenue necessary to be raised by taxes. This comment is not relevant to the Preferred Senior Housing Alternative now being proposed. Based upon the change in demographics other restrictions, it is not anticipated that any school age children will live at Hyenga Lake, thus any taxes generated would have a positive effect on the School District's Budget.*

*A revised Fiscal Analysis based upon the Preferred Senior Housing Alternative has been prepared as discussed earlier in this section. Since there is a new Preferred Senior Housing Alternative being considered, a public hearing on the FEIS will be conducted thus offering an additional opportunity for public comment on this project. Comments received on this FEIS, including the revised Fiscal Analysis for the Senior Housing alternative will be addressed in an FEIS addendum to be circulated to all involved and interested agencies and made part of the Final SEQRA record pertaining to this action.*

**Comment 3.8-7 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** The calculations used a northeast region multiplier to justify that 22 school-aged children would live amongst the 40 one-bedroom and 40 two-bedroom units. Since the units are not proposed to be age-restricted, and this area tends to be more densely populated than the multiplier suggested, that total may be low and in need of adjustment upward. Not taking into account the number of bedrooms in each unit, the existing development has 26 occupied housing units (on Page 3.9-1) with 12 school age children (on Table 4-1 of Section 4.4). That student density formula results in 37 students for 80 units.

***Response 3.8-7:** Although the proposed project is to be constructed as half one bedroom units and half two bedroom units. The demographic student multipliers projected a worst case analysis by utilizing the multipliers for half two bedroom units and half three bedroom units. This was done specifically to adjust the student count upwards and provide a conservative analysis.*

*As discussed in Response 3.8-1, The Hyenga Lake development has been designed to include one- and two-bedroom dwellings. However, for purposes of providing a generous estimate of the total number of school age children that would be introduced by the development, a "worst-case analysis" was conducted using student multipliers for*

*two- and three-bedroom dwellings, since the number of school age children generated by this scenario would be higher than if one and two bedroom unit multipliers were used. Demographic multipliers for common configurations of standard housing types for school-age children published in the Urban Land Institute's Development Impact Assessment Handbook based upon research of Robert Burchell and David Listokin, noted researchers in their field. These multipliers project that, in the northeast region, 0.1393 school age children per household would be generated by a two-bedroom multifamily unit, and 0.4151 school age children would be generated by a three bedroom unit. Based upon these conservative multipliers, approximately 22 students are projected to reside in the Hyenga Lake development.*

*The Rutgers University Center for Urban Policy Research has published more recent multipliers, (June 2006) are also the result of research by Burchell, Listokin and Dolphin, and are based upon region of the country, housing type, bedroom count, similar to the ULI Handbook and are further fine tuned based upon purchase price. This demographic study indicates that the 2- and 3- bedroom units in the northeast area of the county for a single family attached units would be 0.14 students and 0.39 students, thus supporting the demographic projections made in the DEIS.*

*This comment is not relevant to the Preferred Senior Housing Alternative now being proposed. Based upon the change in demographics and other restrictions, it is not anticipated that any school age children will live at Hyenga Lake, thus any taxes generated would have a positive effect on the School District's Budget.*

*A revised Fiscal Analysis based upon the preferred Senior Housing Alternative has been prepared, and is included in this section. Since there is a new Preferred Senior Housing Alternative being considered, a public hearing on the FEIS will be conducted thus offering an additional opportunity for public comment on this project. Comments received on this FEIS, including the revised Fiscal Analysis will be addressed in an FEIS addendum to be circulated to all involved and interested agencies and made part of the Final SEQRA record pertaining to this action.*

### **3.9 LAND USE & ZONING**

**Comment 3.9-1 (Jose Simoes, Town Planner, Town of Clarkstown, Public Hearing, September 26, 2007):** As is the case with subdivisions and site plans dealing with multi-family developments, this project would require some sort of parkland, or as an alternative, money in lieu thereof.

*Response 3.9-1: The site will include passive recreation areas similar to the Middlewood model in the Town of Clarkstown.*

**Comment 3.9-2 (Marvin Baum, Clarkstown Planning Board, Public Hearing September 26, 2007):** Although a large portion of the property is not being developed, there is not a lot of greenery and open space that would be safe for children to play in.

*Response 3.9-2: The open space south of the Pascack Brook will serve as natural vegetated buffer from Pipetown Hill Road. The area of open space north of the stream, on the western portion of the site, is flat and easily accessible from the residential units. This area will serve as passive recreational land. Due to the change in demographics of the preferred alternative, no children are expected to reside at Hyenga Lake.*

**Comment 3.9-3 (Tracy Butone, Unit Owner and President, Omni Park Condominiums, Public Hearing September 26, 2007):** I am concerned about another 80 units being built. It is not fair to the residents of Omni Park, who were there originally, and the units are in the price range of \$300,000. Low income housing is bringing down the value of our houses.

*Response 3.9-3: The preferred alternative of affordable Senior housing is being proposed to meet the needs of the aging demographic and to assist the Town of Clarkstown achieve it's goals of providing affordable housing opportunities throughout the town.*

**Comment 3.9-4 (Andrea Gannis, Resident, Omni Park Condominiums, Public Hearing September 26, 2007):** How many school children will be here if these are one bedrooms? The Applicant is unsure if they will be rentals or owned units. The development should be 100% purchased, not rentals. Every single low income or couple in Rockland County will want to move in. Not a mother or father with one child, but as many as they can possibly squeeze in.

*Response 3.9-4: Refer to Response 3.9-3.*

**Comment 3.9-5 (Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department, July 11, 2007):** Check setbacks on site plan, they appear not to match bulk table.

*Response 3.9-5: The setbacks of the preferred Garage Parking Alternative have been confirmed by the project engineer and match the bulk requirements of the Town of Clarkstown M-2 zone. This comment is no longer relevant. Plans for the preferred alternative will be submitted to the Town of Clarkstown Building Plans Examiner to insure they meet the bulk requirements of the Town of Clarkstown M-2 zone, under it's special use permit which allows Senior Housing, as part of the FEIS public hearing process.*

**Comment 3.9-6 (Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department, July 11, 2007):** A variance will be required for enclosed parking.

*Response 3.9-6: The preferred alternative of affordable Senior citizen housing will be developed under a special use permit of the MF-2 zone, where no garage parking is required, thus no variance will be needed. . Subject to Planning Board approval the applicant is willing to make this preferred alternative the proposed project.*

**Comment 3.9-7 (Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department, July 11, 2007):** Has applicant obtained approval from O & R for parking and dumpsters located within easement?.

*Response 3.9-7: There are no dumpsters or parking proposed in the O& R easement under the preferred alternative. Orange and Rockland utilities will be notified of the scheduled public hearing on the FEIS which includes the plans for the Preferred Alternative, allowing a chance for comment on the preferred alternative site plan.*

**Comment 3.9-8 (Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department, July 11, 2007):** Parking in O & R easement has parking within 20 feet of a lot line. (table 19, col. 8, item 6(F))

*Response 3.9-8: . The Preferred Senior Housing Alternative eliminates the parking which was within 20 feet of a lot line.*

**Comment 3.9-9 (Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department, July 11, 2007):** Opaque fencing shall be installed as per table 19, col. 8, item 6(o).

*Response 3.9-9: Per the zoning regulations stipulated in Table 19, Col. 8, Item 6(O), opaque fencing, six foot high is required along the northern property boundary. The adjoining property owner to the north, Wide World Auto, has an existing chain link fence for security purposes along the boundary between the two properties. Landscape screening in combination with the existing fence in this area would achieve the same objectives as a 6 foot high opaque fence. This landscaping will be shown on the Landscape plan to be submitted prior to preliminary site plan approval. Provision of the Landscape Screening along the Wide World Auto fence will remain as part of the Preferred Senior Housing Alternative site plan.*

**Comment 3.9-10 (Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department, July 11, 2007):** Location of useable open space shall be approved by Planning Board and shown on site plan.

*Response 3.9-10: The previous site plan required and provided 56,092 square feet of usable open space. The Preferred Senior Housing Alternative has a total disturbance area which is 0.6 acres or 26,136 square feet less than the previous alternative. This area is available for use as additional open space. However, development of the project under the special use permit for senior housing in the MF-2 zone does not include a requirement for a specified amount of usable open space, thus no calculations are provided on the site plan. ,*

**Comment 3.9-11 (Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department, July 11, 2007):** Landscape, lighting and building elevation plans shall be submitted.

*Response 3.9-11: Landscape, Lighting and Building elevations will be submitted prior to preliminary site plan approval.*

**Comment 3.9-12 (Rudolph Yacyshyn, Vice Chairman Clarkstown Planning Board, Public Hearing, September 26, 2007):** If this is going to be a rental property, then he [the Applicant] will be able to be engaged [in maintaining the drainage facilities.] If it passes on to a homeowners association, be it a townhouse type of situation such as I reside in wherein we are a subdivision, or whether it's a condominium association, you are dealing with people who are unit owners who may not have the financial wherewithal in order to engage in anything later on. That's why it's important to determine what the ultimate status of this is going to be...Historically, the board has been very interested in the kind of ownership and/or other arrangements that are coming out of multi-family units, and I strongly suggest we take that into consideration in the beginning of this and not at the end.

*Response 3.9-12: The Preferred Senior Housing Alternative will be owned by the partnership between the Hyenga Lake, LLC and the RHAC, which will designate a management agent to be responsible for the maintenance needs of the project. Storm-water maintenance will be the responsibility of the Hyenga Lake-RHAC partnership. .*

**Comment 3.9-13 (Robert Geneslaw, Planning Consultant, Public Hearing, September 26, 2007):** If the applicant wants to keep the alternative of for sale or rental in his analysis of impacts he should include both alternatives. Based on the elements that are typically in an Environmental Impact Statement, the school impacts may be different, and the real property tax impacts may be different, and if they are the same, the applicant can demonstrate that with facts rather than supposition.

*Response 3.9-13. . A revised Fiscal Analysis for the preferred Senior Housing Alternative has been included in FEIS Section 3.8, and will be included for comment at the public hearing to be held on this FEIS.*

**Comment 3.9-14 Mr. Tanler, President of the Board of Managers of the Conklin Park Condominium, Public Hearing, September 26, 2007):** My strongest plea would be that you don't sell us

out by making these rental properties, because renters do not take care of their property the way homeowners do. If you put 80 renters in there you are not going to have a very happy situation.

**Response 3.9-14:** Refer to Response 3.9-13.

**Comment 3.9-15 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):**

In the Executive Summary, page 1-1, the DEIS states that "to maintain the relative affordability of these units, a variance from the Zoning Board of Appeals shall be requested regarding enclosed parking per the zoning regulations." If the ZBA does not grant the variance, how will the affordability factor be affected? The Board may wish to request that the project sponsor provide information beyond that shown on page 4-4, one with enclosed parking and the other without, and to describe the cost differences in grading, construction, or other elements; and the effect on affordability.

**Response 3.9-15:** *The preferred alternative of affordable Senior citizen housing will be developed under a special use permit of the MF-2 zone, where no garage parking is required, thus no variance will be needed. No Garage Parking is proposed.*

**Comment 3.9-16 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):**

The applicant intends to request a variance from the zoning requirement of Table 19 that one half of all parking spaces shall be enclosed. It is this Department's contention that the Zoning Ordinance is to be upheld, and to simply state that costs would be kept lower if no parking is enclosed and to cite similar projects nearby that have no enclosed parking (and may have been constructed prior to that requirement) is not justification for a variance in this case. Residents may value the convenience of carports and the ability to retain the value of their vehicles by protecting them from the elements.

**Response 3.9-16:** *The preferred alternative of affordable Senior citizen housing will be developed under a special use permit of the MF-2 zone, where no garage parking is required, thus no variance will be needed.*

**Comment 3.9-17 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):**

The Town shall ensure that all proposed grades for streets and driveways are compliant with the Town Code.

**Response 3.9-17:** *Comment Noted.*

**Comment 3.9-18 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):**

The County Planning Department believes that to properly evaluate environmental impacts, the design for the new construction should adhere to the zoning regulations of the municipality. New construction should not require variances nor be given any reductions in order to be constructed. This should apply to all requirements for yards, floor area ratio, bulk standards, parking and buffers. The site plan evaluated in the DEIS proposes to have open parking spaces whereas the ordinance requires at least 50 percent of the required spaces to be covered. An area variance will also be requested from the Zoning Board of Appeals. As the lot is not irregularly shaped and local conditions do not justify such a variance, we strongly believe that the final proposed DEIS should evaluate a design that can be accommodated by the site with no variances.

**Response 3.9-18:** *The preferred alternative of affordable Senior citizen housing will be developed under a special use permit of the MF-2 zone, where no garage parking is required, thus no variance will be needed.*

**Comment 3.9-19 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** No lighting shall shine into any adjacent property or public right-of-way. All lighting shall be directed on site.

**Response 3.9-19:** *A Lighting Plan will be submitted, prior to preliminary site plan approval which will show that all lighting will be directed on site.*

### **3.10 CONSTRUCTION**

**Comment 3.10-1 (Elizabeth Moore, South Central Avenue, Public Hearing September 26, 2007):** All of the construction is going to affect my home. Some houses were built a few doors away, and during construction my whole house was shaking.

***Response 3.10-1:*** Similar to the previous project, under the preferred Senior Housing Alternative, it is not anticipated that blasting will be required, based on a review of the soil survey and the anticipated depth to bedrock. However, if required, blasting would be conducted in accordance with Chapter 220, Quarrying and Blasting, of the Code of the Town of Clarkstown, which would serve to minimize impacts to the maximum extent practical.

**Comment 3.10-2 (John Nugent, Omni Park, Public Hearing September 26, 2007):** How long will this project take?

***Response 3.10-2:*** Similar to the previous project, under the preferred Senior Housing Alternative, the road and residences are expected to be built over a 12 to 18 month period after all approvals and permits are received.

**Comment 3.10-3 (Letter, Robert Geneslaw, AICP, Planning Consultant, October 31, 2007):** Executive Summary, page 1-3 refers to removal of excess soil material by approximately 1,810 trucks. Since the site has been utilized for a variety of purposes over its period of habitation, will soil testing of the material to be exported be undertaken and how will disposition be determined if undesirable material is found?

***Response 3.10-3:*** As shown in Table 1 in the Introduction, the Preferred Senior Housing Alternative reduces the amount of excess cut material by approximately half, this will result in half as many necessary construction trips to transport the excess fill off site.

A Phase 1 Environmental Site Assessment Report (ESA) was conducted on the project site by Team Environmental Consultants, dated March 21, 2006. (included in DEIS Appendix M). The ESA states, (Page 4), "None of the documented former owners on record appear to have been an industrial concern that would be expected to have utilized the property for the storage, usage, or disposal of industrial chemicals or hazardous materials.

According to the site and regulatory interviews, the subject parcel has historically been utilized for residential purposes. The subject property was operated as a seasonal bungalow colony from the time of initial development in the 1930's until the mid-1980's. No Site or regulatory information as to historic use of the property for industrial or manufacturing purposes i.e., activities that would be expected to have routinely produced regulated hazardous materials or waste products) was available during the performance of the Phase 1 ESA."

The ESA concludes, "Based upon the site setting, availability of a municipal water supply, review of available information, performance of site/regulatory interviews, and findings of the property walk-through inspection, no significant and immediate

*environmental liability issues associated with the property were identified. No additional site investigations are recommended at this time.*

*Based upon these conclusions, the soils to be removed from the site do not require testing, thus no testing is anticipated.*

**Comment 3.10-4 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** It is stated that material deliveries and heavy trucking will access the site via the NYS Thruway and Route 59. What is the additional impact if the DOT prohibits access from Route 59?

***Response 3.10-4:*** *Similar to the previous project, under the preferred Senior Housing Alternative, direct access to the site from the existing access point on NYS Route 59 will only be necessary to deliver the materials necessary for construction of the culvert and construction of the access road from Pipetown Hill Road. Upon completion of the culvert and the Pipetown Hill Road access, a stabilized construction access from Pipetown Hill Road will be utilized for construction access.*

**Comment 3.10-5 (Letter, Dennis P. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control, October 31, 2007):** The previous sections of the document indicate 1810 truckloads of material to be removed from the site, equaling 3620 trips. This impact should be discussed, particularly in light of the potential to use Pipetown Hill Road.

***Response 3.10-5:*** *Excess material will be transported off-site by approximately 1,810 trucks. This represents an average of approximately 9 trucks per day during the first nine months of construction, when the majority of the grading will occur. Upon completion of the culvert, it is anticipated that most of the construction trips would travel to and from the site via NYS Route 59 to South Central Avenue to Pipetown Hill Road. If necessary, a flag man will be provided to insure a smooth traffic flow on Pipetown Hill Road during construction. Excess material will be transported off site during non-peak traffic hours when additional traffic capacity is available. The Preferred Senior Housing Alternative reduces the amount of excess cut material by approximately half, this will result in half as many necessary construction trips to transport the excess fill off site.*

**Comment 3.10-6 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** All construction activity shall adhere to the noise and odor requirements of the Town's Codes.

***Response 3.10-6:*** *All construction activity will adhere to the noise and odor requirements of the Town's Codes.*

**Comment 3.10-7 Robert Jackson, Member Clarkstown Planning Board, Public Hearing, November 7, 2007):** They are going to remove quite a bit of fill, dirt, and such, a lot of trucks going out. Is there any way it could be done through Route 59, or would all access have to be out on Pipetown Road?

***Response 3.10-7:*** *The proposed project will result in construction activity taking place. It is anticipated that the trucking at the inception of the project, prior to construction of the culvert, will use the existing access from NYS Route 59. Upon completion of the culvert access from Pipetown Hill Road, it is anticipated that a stabilized rough grade of the proposed site access*

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*from Pipetown Hill Road will serve as access for the project during the remainder of construction. All construction vehicles will use this access for ingress and egress. Construction vehicles and employees will park on-site at all times possible. Construction material storage, equipment staging and soil stockpiling will occur on graded stabilized areas of the site. The Preferred Alternative reduces the amount of excess cut material by approximately half, this will result in half as many necessary construction trips to transport the excess fill off site.*

*The heaviest volume of construction traffic is expected to occur at the beginning of the construction as site clearing and rough grading is conducted, and when asphalt and building materials are transported to the site.*

*Based upon engineering estimates for the Preferred Alternative, a total of approximately 29,718 cubic yards of material will be cut and approximately 7,604 cubic yards will be filled. The balance, or approximately 22,114 cubic yards, will be removed from the site. Excess material will be transported off-site by approximately 1,027 trucks. This represents an average of less than 5 trucks per day during the first nine months of construction, when the majority of the grading will occur. Upon completion of the culvert, it is anticipated that most of the construction trips would travel to and from the site via NYS Route 59 to South Central Avenue to Pipetown Hill Road. If necessary, a flag man will be provided to insure a smooth traffic flow on Pipetown Hill Road during construction. Excess material will be transported off site during non-peak traffic hours when additional traffic capacity is available.*

#### **4.0 ALTERNATIVES**

**Comment 4.0-1 (Letter, Salvatore Corallo, Commissioner of Planning, Rockland County Department of Planning, November 5, 2007):** Section 4.0 of the DEIS addresses a No Action alternative and one other alternative for access which does not include the second access driveway leading from Pipetown Hill Road. Figure 4-2 also addresses a Covered Parking (carport) alternative. An additional alternative should be added and analyzed that disturbs less ground space and eliminates all construction activities in the steepest sloped areas and wetlands. A cluster development of the site should also be considered as an alternative so that more land could be conserved, providing some space for passive recreation.

***Response 4.0-1:*** *The applicant has prepared the Preferred Senior Housing Alternative, described in the introduction and shown in FEIS Figures 1 through 4, which results in overall disturbance of 4.6 acres, a reduction of 0.6 acres with a similar reduction in disturbance to steep slope areas of 0.2 acres, when compared to the previously proposed project. This Senior Housing alternative also results in a reduction of 16,886 cubic yards of cut and fill material. Development under the special use permit for Senior Housing in the MF-2 zone does not require garage parking thus, no variance is necessary.*

*In the Preferred Senior Housing Alternative approximately 4.6 acres would be graded to accommodate the proposed 107 residential units, driveways and parking facilities, lawns and landscaped areas. There is a reduction in disturbance of 0.6 acres compared to the previous proposal discussed in the DEIS. The impervious area of the Preferred Senior Housing Alternative is 2.83 acres, a minimal reduction of 0.02 acres compared to the previous proposal. Cut and fill amounts would be significantly reduced as shown in Table 1. Total slope disturbance would be reduced from 5.2 acres to 4.6 acres, and steep slope disturbance ( $\geq 15$  percent) would be marginally reduced by 0.02 acres compared to the previous proposal. Similar to the previous proposal, there would be no wetland disturbance as a result of construction of the Senior Affordable Housing alternative. Table 1 provides a quantitative comparison of the Senior Affordable Housing alternative and the previous proposal discussed in the DEIS.*

*Impacts to community services and traffic would be reduced based upon the Senior Affordable Housing alternative. Impacts to the school district would be reduced due to the change in the demographic nature of the proposed project. Construction traffic impacts would also be reduced, due to the reduction in cut and fill amounts.*

*Based upon discretion of the Planning Board, the applicant is willing to make this improved Preferred Alternative the project proposed for construction.*

<b>Table 1 Alternative Impact Comparisons</b>				
<b>Area of Concern</b>	<b>80 Units Townhouse DEIS</b>	<b>No Action</b>	<b>Alternate Access NYS Route 59</b>	<b>107 Units Affordable Senior Housing</b>
<b>Land Use</b>				
Impervious Surfaces (acres)	2.85	1.65	2.72	2.83
Total Project Cut (cubic yards)	43,200	0	42,878	29,718
Total Project Fill (cubic yards)	4,200	0	2,557	7,604
Net Cut to be exported (cubic yards)	39,000	0	40,321	22,114
<b>Residential Units</b>				
Residential Units (Total)	80	28	80	107
<b>Natural Resources</b>				
Total Site Area (acres)	12.4	12.4	12.4	12.4
Total Area of Disturbance (acres)	5.2	5.2	5.2	4.6
Woodland Disturbance (acres)	0.88	0	0.88	0.75
Wetland Disturbance (acres)	0.03	0	0.03	0
Lawn/Already Disturbed (acres)	3.9	0	3.9	3.6
Steep Slope Disturbance (>15%) (acres)	1.36	0	1.33	1.33
<b>Community Resources</b>				
Population	142	58	142	129
Residential Trips (p.m. peak hour) to Pipetown Hill Road	62	0	0	47
Residential Trips (p.m. peak hour) to NYS Route 59	0	13	62	0
Water Demand / Sewage Flow (based on 110 gallons per bedroom, per day)	13,200	6,160	13,200	11,770
School-age Children	22	12	22	0
Notes: Estimates are approximate. Source: Atzl, Scatassa, & Zigler, P.C.; Tim Miller Associates, Inc., 2009.				