

**KURY HOMES
FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)**

TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK

Tax Map Numbers:

Section 59.20, Block 1, Lot 3, Section 59.20, Block 1, Lot 4, Section 59.20, Block 1, Lot 5

Project Applicant: Kury Homes, Inc.
495 S. Main Street, New City, NY 10956
Attention: Art Price
(845) 638-1000

Lead Agency: TOWN OF CLARKSTOWN PLANNING BOARD
Clarkstown Town Hall
10 Maple Avenue
New City, NY 10956-5099
Attention: Dennis Letson, Deputy Director of the Town of Clarkstown
Department of Environmental Control
(845) 639-2111
<http://www.town.clarkstown.ny.us/html/planning.html>

Prepared By: TIM MILLER ASSOCIATES, INC.
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(845) 265-4400
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Project Engineer: ATZL, SCATASSA & ZIGLER, PC
234 North Main Street, New City, NY 10956
Attention: David Zigler, P.L.S.
(845) 634-4694

Cultural Resources: Sheffield Archaeological Consultants
24 High Street, Butler, NJ 07405
Attention: Ed Lenik, RPA
(973) 492-8525

Stormwater Management: Joseph Gottlieb, P.E., P.C.
P.O. Box 76
Monticello, NY 12701-0076
(845) 794-5506

Date FEIS Acceptance September 15, 2010.

Written Comments Will be Accepted by the Lead Agency for Ten Days After Acceptance of the FEIS.

August 1, 2010

KURY HOMES
Final Environmental Impact Statement
Town of Clarkstown, New York

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List of Drawings

Drawing Number	<u>Title</u>
1	11 Lot Cluster Subdivision Plat
2	11 Lot Cluster Grading Plan
3	11 Lot Cluster Plan and Profile
4	11 Lot Cluster Erosion Control & Construction Phasing Plan
5	11 Lot Cluster Tree Preservation Plan
6	Tree List
7	11 Lot Standard Plan

1.0 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 subdivision plat, and referenced technical data -- the DEIS and the DEIS Addendum, which are hereby incorporated by reference into this FEIS.

SEQRA Background

The Applicant, Price Construction, LLC, prepared a Draft Environmental Impact Statement (DEIS) in response to a Positive Declaration adopted by the Town of Clarkstown Planning Board. The content of the DEIS scope was established by a scoping outline developed by the Planning Board, acting as lead agency, in cooperation with all other involved agencies and interested parties. The Town of Clarkstown Planning Board adopted a Final Scoping Document for the DEIS on December 4, 2002.

The DEIS and revisions to it were submitted to the Town of Clarkstown on February 25, 2005 and on December 15, 2005. The lead agency reviewed the DEIS for adequacy with respect to the document's scope and content for the purpose of public review. The Planning Board issued a Notice of Completion of the DEIS on March 23, 2006 and a Notice of SEQRA Hearing on May 10, 2006. In order to provide adequate public review of the DEIS, the hearing was continued until June 25, 2008, and further held open until June 10, 2009. An additional hearing was held on July 22, 2009 on an Addendum to the DEIS which evaluated the impacts of the 11 lot Cluster Preferred Alternative. The public hearing on all DEIS matters was closed on July 22, 2009. Written comments were received until August 11, 2009. The FEIS, including consideration of the 11 Lot Cluster Preferred Alternative, has been prepared, dated August 1, 2010, and was determined to be complete on September 15, 2010. The lead agency received written comments for a minimum of 10 days during the public comment period following acceptance of the FEIS.

In accordance with SEQRA, this FEIS provides written responses to substantive and relevant public and agency comments on the DEIS received by the lead agency during the public review period, including oral testimony made at the public hearing. The public hearing transcripts are included in Appendix A of this document; copies of comment letters are also included in Appendix A, and correspondence received during SEQRA review is included as Appendix B.

2.2 Description of Proposed Action

The project site is identified on the Town of Clarkstown tax maps as Section 59.20, Block 1, Lots 3, 4, and 5, and is approximately 10.3 acres in size. There were formerly three single-family residences on the project site which have been demolished. The applicant, Kury Homes, Inc., intends to subdivide the project site, install the required infrastructure, and develop single family residential dwellings in response to a continued demand for high quality

housing in the Town of Clarkstown and Rockland County. This project is expected to support "estate-style" housing developed in conformity with the Town's Comprehensive Plan most recently adopted in 2009, and the Building Zone Ordinance of the Town of Clarkstown (the "Zoning Local Law") which intended that this area be developed for medium density residential use. The proposed project would create a high-quality residential neighborhood for persons seeking to live in the unincorporated area of the Town of Clarkstown and with convenient access to major transportation routes such as the New York State Thruway. Presently, there are single-family detached dwellings on the west side of Mountainview Avenue across from the project site.

The project applicant previously proposed to subdivide and develop approximately 10.3 acres of vacant land into 12 building lots accessed by two roads both ending in cul-de-sacs. The road giving access to Mountainview Avenue was approximately 935 feet as measured from the property line along Mountainview Avenue to the farthest easterly point along the curb of the cul-de-sac. The shorter cul-de-sac was approximately 330 feet long as measured from the centerline of the intersection of main subdivision road to the farthest edge of the cul-de-sac's curb. The roads would have been offered for dedication to the Town of Clarkstown. The minimum lot size would have been 22,500 square feet after subtracting from the minimum lot area environmental constraints as per the requirements of Section 290-21.D. of the zoning law.

The 12 lot subdivision's design includes an infiltration basin and dry swales to handle any increase in the rate of stormwater runoff emanating from the post-development project site. The infiltration basin would have been on its own lot, however, the dry swales would have been located on portions of Lots 12 and 13. An easement running to the benefit of the Town would have been created on these lots for purposes of accessing and maintaining the dry swales. A maintenance agreement allowing the Town access to maintain the infiltration basin would have been made part of the final subdivision plat.

Approximately 8.5 of the 10.3 acre site would have been graded to accommodate the 12 single-family residences, proposed roads, and lawns. Less than one-tenth of an acre of Army Corps of Engineer (ACOE) regulated wetlands were to be disturbed, subject to a Nationwide Permit No. 39.

The applicant's previous proposal to construct 12, four-bedroom single-family detached residences approximately 6,000 square feet in gross floor area, connected to existing public water and public sewer service. The applicant's estimate for the selling price for each home is be in excess of \$850,000. It is estimated that an annual income of approximately \$200,000 to \$275,000 would be required to purchase a home in this price range. According to the 2000 US Census Bureau estimates, over eight percent of the current residents of the Town of Clarkstown have an annual income of more than \$200,000. Similarly, more than eight percent of the residents of Rockland County as a whole earn more than \$200,000 per year.

Revisions and Supplements to the DEIS

In continuing discussion with the Town of Clarkstown Planning Board and in an effort to respond to public and technical comment on the proposed subdivision plat, the project applicant now proposes an 11 Lot Cluster Preferred Alternative to be constructed per Section 278 of the New York State Town Law and the Clarkstown Zoning Local Law, which allows cluster development in order to preserve environmentally sensitive lands including steep slopes and wetlands described in the DEIS Addendum, dated July 1, 2009 as described below:

The applicant has developed an 11 Lot Cluster Preferred Alternative, shown in FEIS Figure 1. The 11 Lot Cluster Preferred Alternative has been modified from the original plan to eliminate all lots from the vicinity of Mountainview Avenue in order to preserve steep slopes and avoid wetland areas. Other than construction of the entrance road and associated landscaping, this environmentally sensitive area will be left in its natural state to provide screening from Mountainview Avenue and will be offered for dedication to the Town of Clarkstown.

Buffer areas, in the form of Conservation Easements have been provided along the north, south and east property lines to provide screening from adjoining properties. Landscaping and berms will be provided in these areas to reduce potential visual impacts of the project. Street Trees will be planted along the interior road frontages to provide vegetative in-filling which will serve to camouflage the development from view along Route 59 and the long distance view from the NYS Thruway. The applicant will commit to a one to one tree replacement for all trees removed from areas to be dedicated to the Town, including the roadway and lots 12 and 13 to be dedicated as conservation easements. There are approximately 132 trees in this area, of which it is estimated 32 are less than 10" dbh, 85 are 10" to 18" dbh and 15 are more than 18" dbh. Replacement trees, will be distributed throughout the site, including the Town dedication area, and range in size from 2.5" to 3" caliper for deciduous trees, 8' to 10' in height for evergreen trees and 6' to 7' in height for minor trees. These sizes are typical of newly planted trees. As discussed, it is anticipated that buildings will be constructed with natural colored roofing and siding materials to further reduce potential visual impacts.

Per the request of the Planning Board, an emergency access connection to Mountainview Condominiums to the north has also been included on the subdivision plat.

In the 11 Lot Cluster Preferred Alternative approximately 7.2 acres would be graded to accommodate the proposed 11 residential units, driveways and parking facilities, lawns and landscaped areas. There is a reduction in disturbance of 1.3 acres compared to the Standard Layout. The impervious area of this alternative is 2.0 acres, a reduction of 0.4 acres compared to the Standard Layout project. Cut and fill amounts would be significantly reduced as shown in Table 1-1. Total slope disturbance would be reduced from 8.5 acres to 7.2 acres, and steep slope disturbance (≥ 15 percent) would be reduced by 0.5 acres compared to the Standard Layout. Similar to the Standard Layout, less than one-tenth of an acre of Army Corps of Engineer (ACOE) regulated wetlands would be disturbed - the disturbance would be subject to a Nationwide Permit No. 39. Table 1-1 provides a quantitative comparison of the 11 Lot Cluster and the Standard Layout.

Impacts to community services and traffic would be slightly reduced based upon 11 lots compared to the 12 lots in the Standard Layout. Traffic impacts would also be reduced due to the reduction in cut and fill amounts.

The applicant has submitted a tree plan and a landscaping plan for the 11 Lot Cluster Preferred Alternative. There are a total of 543 existing trees, shown on the Tree Preservation Plan, Figure 4, of which 505 are located on site. As shown on the Tree Preservation Plan, as a result of grading to accommodate the road layout and residences, a total of 168 trees will remain on-site. In addition, as shown on the landscaping plan, a total of 144 trees will be planted on-site to provide screening and add to the visual aesthetics of the project. This will result in a total of 312 trees on site, or approximately 30 trees per acre including more than 57 trees located within the area to be dedicated to the Town. This is well in excess of the required 17 trees per acre stipulated in the Town of Clarkstown Tree Preservation Law.

Based upon discretion of the Planning Board, the applicant is willing to make this improved 11 Lot Cluster Plan the Preferred Alternative proposed for construction.

Table 1-1 Alternative Impact Comparisons			
Area of Concern	No Action	Standard 12 Lot Layout	11 Lot Cluster Preferred Alternative
Land Use			
Impervious Surfaces (acres)	0.77	2.4	2.0
Lawn/ Stormwater (acres)		6.1	5.2
Total Project Cut (cubic yards)	0	67,100	24,380
Total Project Fill (cubic yards)	0	45,400	41,470
Net (cubic yards)	0	21,700 (export)	17,090 (import)
Residential Units			
Residential Units	0	12	11
Natural Resources			
Total Site Area (acres)	10.3	10.3	10.3
Total Area of Disturbance (acres)	0	8.5	7.2
Woodland Disturbance (acres)	0	5.6	5.2
Wetland Disturbance (acres)	0	<0.1	<0.1
Steep Slope Disturbance (>15%) (acres)	0	3.4	2.9
Community Resources			
Population	0	44	40
Residential Trips (peak hour)	0	16	15
Water Demand / Sewage Flow (based on 110 gallons per bedroom per day)	0	5,280	4,840
School-age Children	0	10	10
Notes: Estimates are approximate. Source: Atzl, Scatassa, & Zigler, P.C.; Tim Miller Associates, Inc., 2010.			

1.3 Listing of Permits and Approvals Required

Federal

U.S. Army Corps of Engineers - Nationwide Permit

New York State

NYS DEC SPDES Permit for General Construction Activities

Rockland County

Rockland County Planning Board - 239 GML Referral
Rockland County Health Department - Realty Subdivision approval
Rockland County Drainage Agency - Realty Subdivision approval

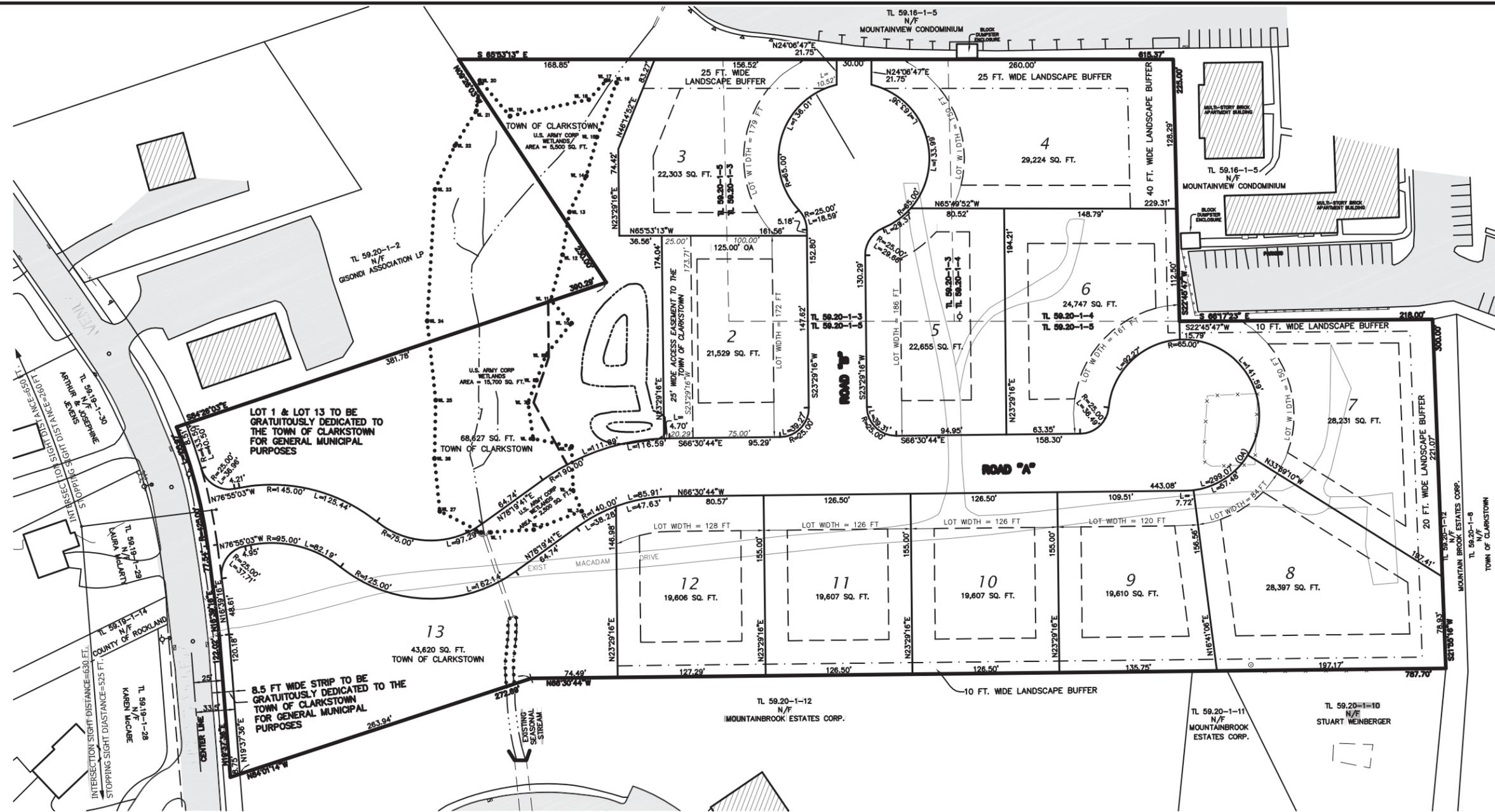
Town of Clarkstown

Clarkstown Town Board - stream alteration permit (Chapter 128 of the Town Code),
Clarkstown Town Board - Cluster Authorization (Chapter 278 of the Town Code)
Clarkstown Planning Board - subdivision plan approval
Clarkstown Highway Superintendent - road opening permit
Clarkstown Department of Environmental Control - sewer permit
Clarkstown Building Department - building permit

1.5 List of Involved and Interested Agencies for FEIS Distribution

The following organizations have been identified as involved and interested agencies:

U.S. Army Corps of Engineers
New York State Department of Environmental Conservation, Region III
New York State Department of Environmental Conservation, Albany
Rockland County Department of Planning
Rockland County Health Department
Rockland County Sewer District No. 1
Rockland County Drainage Agency
Rockland County Division of Environmental Resources
Clarkstown Town Board
Clarkstown Planning Board
Clarkstown Traffic Advisory Board
Clarkstown Department of Environmental Control
Clarkstown Highway Department
Clarkstown Building Department
Clarkstown Planning Consultant
Clarkstown Town Attorney
Atzl, Scatassa, & Zigler, P.C.
Environmental Notice Bulletin



LEGEND

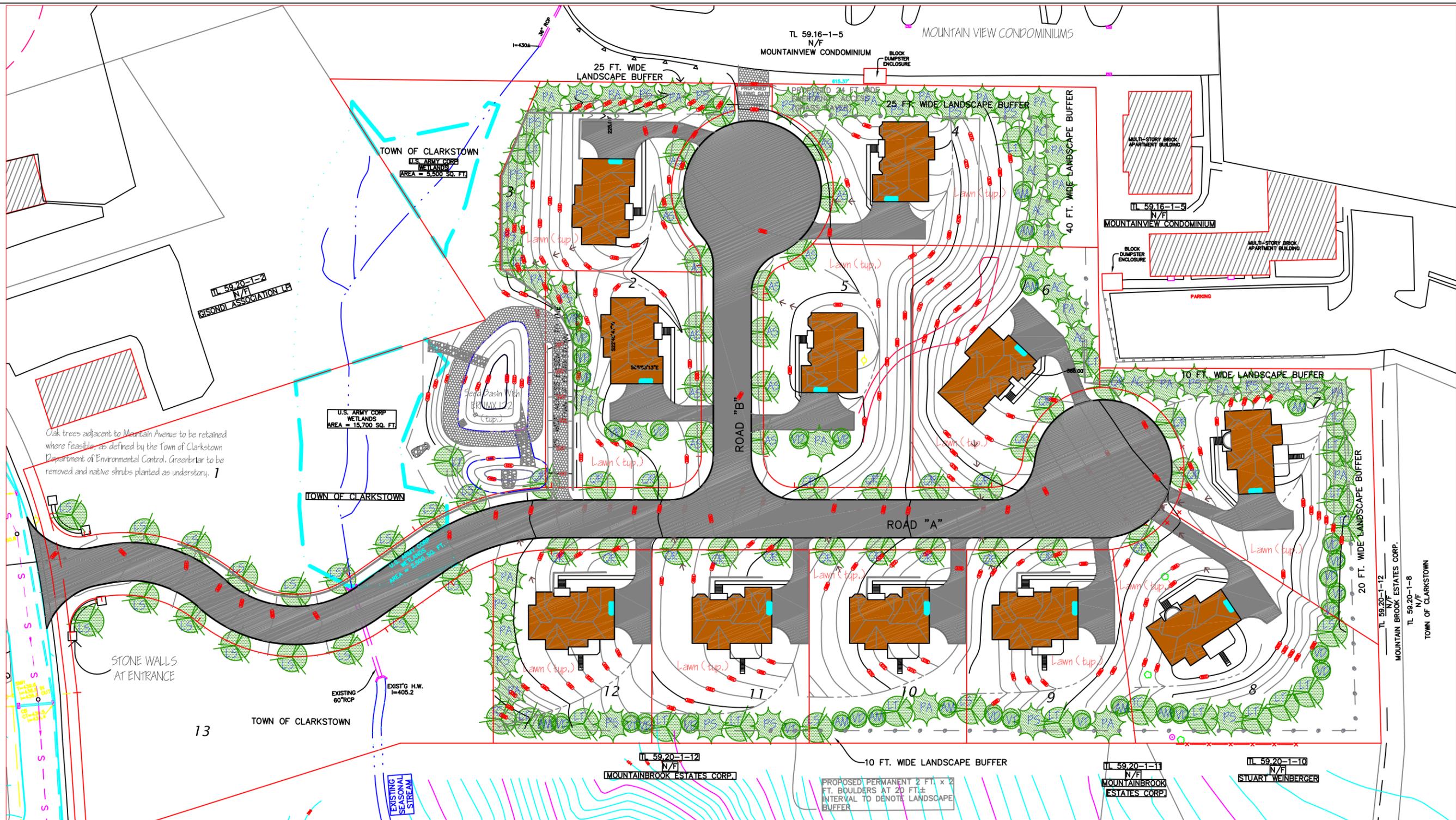
- | | | | |
|-------------|---------------------------|-------------|---------------------------------|
| --- 362 --- | EXISTING 2' CONTOUR | --- 362 --- | PROPOSED 2' CONTOUR |
| --- 300 --- | EXISTING 10' CONTOUR | --- 300 --- | PROPOSED 10' CONTOUR |
| W | EXISTING WATERLINE | WS | PROPOSED WATER SERVICE |
| ⊕ | EXISTING FIRE HYDRANT | ⊕ | PROPOSED FIRE HYDRANT |
| G | EXISTING GAS LINE | GS | PROPOSED GAS SERVICE |
| CB | EXISTING CATCH BASIN | CB | PROPOSED CATCH BASIN |
| --- | EXISTING STORM DRAIN LINE | --- | PROPOSED STORM DRAIN LINE |
| ○ SMH | EXISTING SEWER MANHOLE | ○ SMH | PROPOSED SEWER MANHOLE |
| - - - - - | EXISTING SEWER LINE | --- | PROPOSED SEWER HOUSE CONNECTION |
| + 360.0 | EXISTING SPOT ELEVATION | + 360.0 | PROPOSED SPOT ELEVATION |
| --- | PROPOSED STONEWALL | SF | PROPOSED SILT FENCE |
| --- | PROPOSED BLOCK WALL | FM | PROPOSED FORCE MAIN |

BULK REQUIREMENTS

ZONE R-22	USE GROUP	REQUIRED	REQUESTED	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13
MINIMUM LOT AREA (NET)		22,500 SQ.FT.	18,000 SQ.FT.	68,627 SQ. FT.	21,529 SQ. FT.	22,303 SQ. FT.	29,224 SQ. FT.	22,655 SQ. FT.	24,747 SQ. FT.	28,231 SQ. FT.	28,397 SQ. FT.	19,610 SQ. FT.	19,607 SQ. FT.	19,607 SQ. FT.	19,606 SQ. FT.	43,620 SQ. FT.
MINIMUM LOT WIDTH		125 FT.	80 FT.	NA	172 FT.	179 FT.	150 FT.	186 FT.	161 FT.	150 FT.	84 FT.	120 FT.	126 FT.	126 FT.	128 FT.	NA
FRONT SETBACK		35 FT.	30 FT.	NA	30 FT.	NA										
SIDE SETBACK		20 FT.	20 FT.	NA	20 FT.	NA										
TOTAL SIDE SETBACK		50 FT.	40 FT.	NA	40 FT.	NA										
MINIMUM REAR SETBACK		35 FT.	30 FT.	NA	30 FT.	NA										
MAXIMUM BUILDING HEIGHT		35 FT.	35 FT.	NA	35 FT.	NA										
MAXIMUM FLOOR AREA RATIO		0.20	VARIES	NA	0.27	0.26	0.21	0.26	0.25	0.22	0.22	0.29	0.29	0.29	0.29	NA
MAXIMUM FLOOR AREA		NA		NA	5,813 SQ.FT.	5,799 SQ.FT.	6,137 SQ.FT.	5,890 SQ.FT.	6,187 SQ. FT.	6,211 SQ. FT.	6,247 SQ.FT.	5,687 SQ.FT.	5,686 SQ.FT.	5,686 SQ.FT.	5,686 SQ.FT.	NA

NOTE: LOTS 1 & 13 TO BE DEDICATED TO THE TOWN OF CLARKSTOWN

Figure 1: 11 Lot Cluster Plan
 Kury Homes FEIS
 Town of Clarkstown, Rockland County, NY
 Source: Atzl, Scatassa & Zigler P.C.
 Full Size Drawing Number 1
 Drawing Date: 01/23/08, revised 07/16/10
 Scale: 1" = 100'



Oak trees adjacent to Mountain Avenue to be retained where feasible, as defined by the Town of Clarkstown Department of Environmental Control. Greenbriar to be removed and native shrubs planted as understory. 7

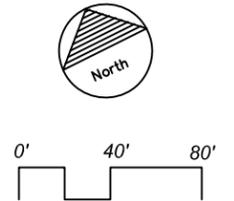
STONE WALLS AT ENTRANCE

- Notes:**
1. All base data by others. No representation or warranty is express or implied as to accuracy of same.
 2. Contractor takes full responsibility for safety of site during construction, thereafter site safety must be assured by the project sponsor or homeowner through vigilant maintenance.
 3. In the event of any discrepancy between the number of plants noted in the Plant List and the number shown graphically, the latter shall hold.
- Infiltration Basin Planting Notes:**
1. Upon completion of construction of the infiltration basin, three (3) inches of topsoil will be spread over the interior surface and will be graded to finish grade as specified in the Grading Plan. The surface will then be seeded with Wetland Meadow Mix (ERNMX-122) as manufactured by Ernst Conservation Seeds or equal.

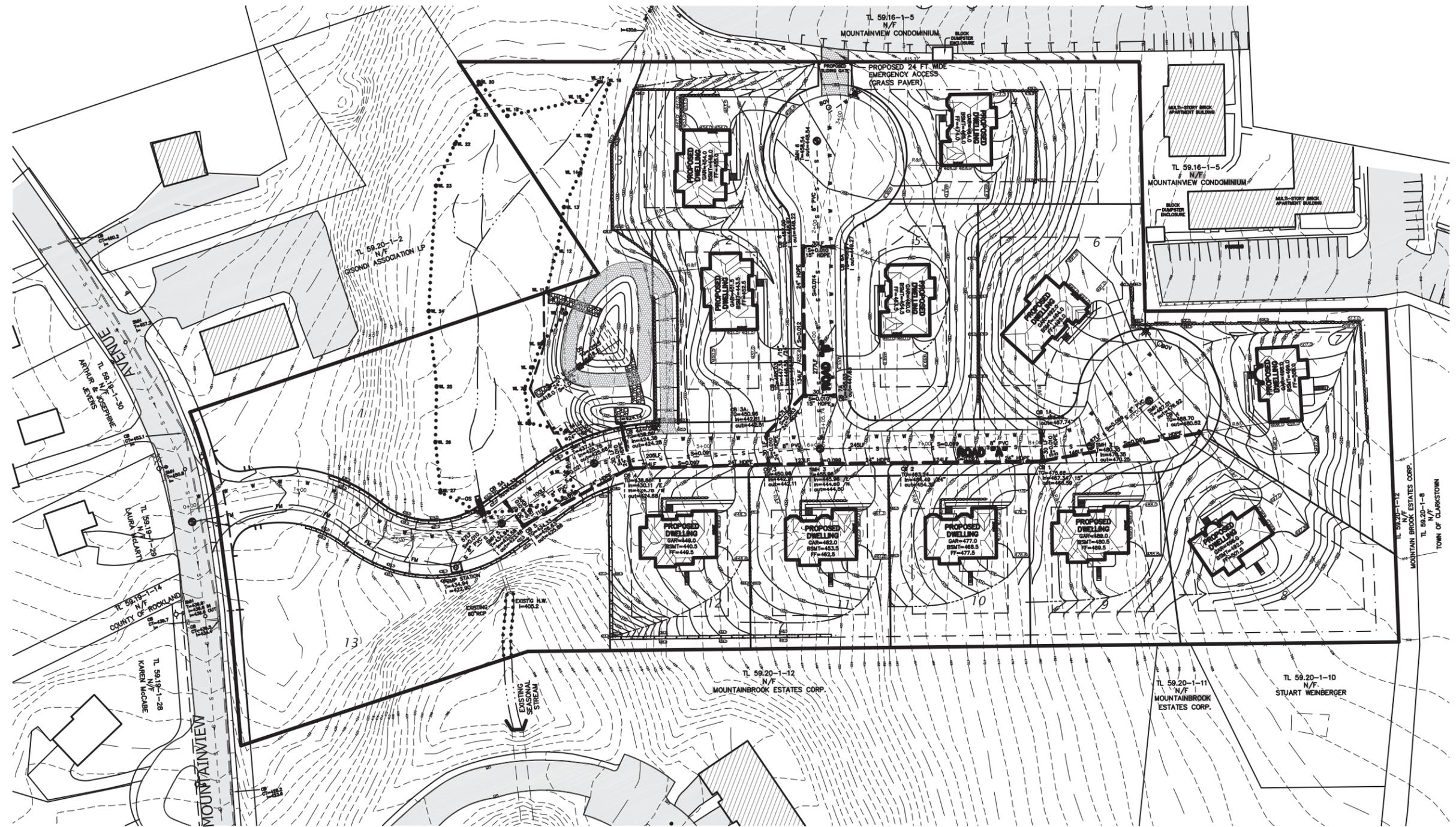
Plant List - Kury Homes	Abb.	Botanical Name	Common Name	Size	Quan.
Deciduous Trees					
AS	Acer saccharum 'Green Mountain'	Sugar Maple	2.5-5" Cal.	14	
LT	Liriodendron tulipifera	Tulip Tree	2.5-5" Cal.	17	
LS	Liquidambar styraciflua	Sweetgum	2.5-5" Cal.	20	
OR	Quercus rubra	Red Oak	2.5-5" Cal.	25	
TC	Tilia cordata	Littleleaf Linden	2.5-5" Cal.	4	
Coniferous Trees					
AC	Abies concolor	White Fir	8-10' Ht.	7	
PA	Picea abies	Norway Spruce	8-10' Ht.	26	
PS	Pinus strobus	White Pine	8-10' Ht.	25	
Minor Trees					
AM	Amelanchier canadensis	Shadblow	6-7' Ht.	10	
Shrubs					
VP	Viburnum dentatum	Arrowwood Viburnum	4-5' Ht.	19	
VR	Viburnum rhododaphnum	Leatherleaf Viburnum	4-5' Ht.	6	
VT	Viburnum trilobum	Cranberrybush	4-5' Ht.	6	
Native Understory Shrubs					
HV	Hamelis virginiana	Witch Hazel	3-4' Ht.	6	
LB	Lindera benzoin	Spicebush	2-5' Ht.	10	
VC	Vaccinium corymbosum	Highbush Blueberry	2-5' Ht.	8	

LEGEND

- PROPOSED DECIDUOUS TREE
- PROPOSED EVERGREEN TREE
- PROPOSED LARGE SHRUB



<p>Tim Miller Associates, Inc. 10 North Street, Cold Spring, NY 10516 (845) 265-4400, Fax: 265-4418</p>		<p>Figure 2</p>
<p>Stephen Lopez Landscape Architect</p>	<p>Landscape Plan for development of Kury Homes Mountainview Avenue Town of Clarkstown, Rockland County, NY July 2007 (Rev. 5-08, 9-08, 2-09, 5-09, 6-09, 5-10, 10-10)</p>	



LEGEND

--- 362 ---	EXISTING 2' CONTOUR	--- 362 ---	PROPOSED 2' CONTOUR
--- 360 ---	EXISTING 10' CONTOUR	--- 360 ---	PROPOSED 10' CONTOUR
W	EXISTING WATERLINE	WS	PROPOSED WATER SERVICE
⊙	EXISTING FIRE HYDRANT	⊙	PROPOSED FIRE HYDRANT
G	EXISTING GAS LINE	GS	PROPOSED GAS SERVICE
□ CB	EXISTING CATCH BASIN	■ CB	PROPOSED CATCH BASIN
==	EXISTING STORM DRAIN LINE	==	PROPOSED STORM DRAIN LINE
○ SMH	EXISTING SEWER MANHOLE	○ SMH	PROPOSED SEWER MANHOLE
- s - s - s -	EXISTING SEWER LINE	---	PROPOSED SEWER HOUSE CONNECTION
+ 360.0	EXISTING SPOT ELEVATION	+ 360.0	PROPOSED SPOT ELEVATION
⊖	PROPOSED STONEWALL	— SF	PROPOSED SILT FENCE
⊖	PROPOSED BLOCK WALL	— FM	PROPOSED FORCE MAIN
		— R&F	PROPOSED ROOF & FOUNDATION DRAIN

Figure 3: 11 Lot Cluster Grading Plan
 Kury Homes FEIS
 Town of Clarkstown, Rockland County, NY
 Source: Atzi, Scatassa & Zigler P.C.
 Full Size Drawing Number 2
 Drawing Date: 01/23/08, revised 07/16/10
 Scale: 1" = 100'

TREE LEGEND

- DENOTES TREE TO REMAIN (168)
 - ✕ DENOTES TREE TO BE REMOVED (337)
 - DENOTES TREE PROTECTION
- TOTAL SITE ACREAGE 10.3 ACRES
 EXISTING TREES ON SITE = 505 TREES
 TREES REQUIRED 17/ACRE = 176 TREES
 EXISTING TREES TO REMAIN = 168 TREES
 ADDITIONAL TREES REQUIRED = 10 TREES
 ADDITIONAL TREES PROVIDED = 144 TREES
 TOTAL TREES ON SITE = 312 TREES

TREE REMOVAL TABLE

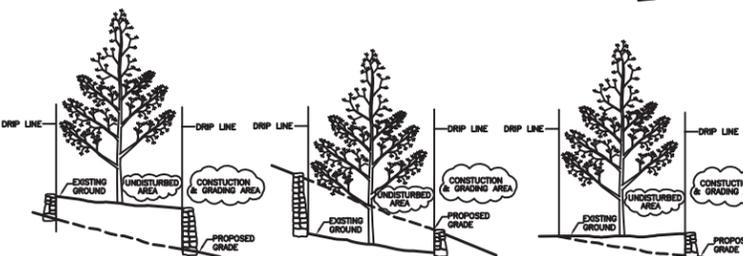
SIZE (INCH)	NUMBER OF TREES TO BE REMOVED	PERCENTAGE OF TREES TO BE REMOVED
<10"	70	13.9%
10"-18"	217	43.0%
>18"	53	10.5%
TOTAL NUMBER OF TREES TO BE REMOVED	340	67.4%

NOTE: TOTAL EXISTING TREES ON SITE = 505



- A TREE PROTECTION PROGRAM WILL BE IMPLEMENTED IN ORDER TO PROTECT AND PRESERVE BOTH INDIVIDUAL SPECIMEN TREES AND BUFFER AREAS WITH MANY TREES. STEPS WHICH WILL BE TAKEN TO PRESERVE AND PROTECT EXISTING TREES, ARE AS FOLLOWS:
- NO CONSTRUCTION EQUIPMENT SHALL BE PARKED UNDER THE TREE CANOPY.
 - THERE WILL BE NO EXCAVATION OR STOCKPIPING OF EARTH UNDERNEATH THE TREES.
 - TREES TO BE PRESERVED SHALL BE MARKED CONSPICUOUSLY ON ALL SIDES.
 - TREES TO BE SAVED ARE TO BE PROTECTED WITH A 4 FOOT HIGH ORANGE SNOW FENCE PLACED AT THE DRIP LINE OR AT 80% CRITICAL ROOT MASS WHICHEVER IS GREATER.
 - NO EARTH FILLS GREATER THAN 6" IN DEPTH WILL BE MADE BENEATH TREES TO BE PRESERVED.
 - IN FILL AREAS, TREES WILL BE PRESERVED IN TREE WELLS OR THROUGH THE USE OF RETAINING WALLS PLACED AT THE DRIP LINE OR AT 80% CRITICAL ROOT MASS WHICHEVER IS GREATER.
 - IN CUT AREAS, TREES WILL BE PRESERVED WITH RETAINING WALLS AT THE DRIP LINE OR AT 80% CRITICAL ROOT MASS WHICHEVER IS GREATER.

TREE PROTECTION DETAIL



A TREE PROTECTION PROGRAM WILL BE IMPLEMENTED IN ORDER TO PROTECT AND PRESERVE BOTH INDIVIDUAL SPECIMEN TREES AND BUFFER AREAS WITH MANY TREES. STEPS, WHICH WILL BE TAKEN TO PRESERVE AND PROTECT EXISTING TREES, ARE AS FOLLOWS:

- NO CONSTRUCTION EQUIPMENT SHALL BE PARKED UNDER THE TREE CANOPY.
- THERE WILL BE NO EXCAVATION OR STOCKPIPING OF EARTH UNDERNEATH THE TREES.
- TREES TO BE PRESERVED SHALL BE MARKED CONSPICUOUSLY ON ALL SIDES.
- TREES TO BE SAVED WILL BE FENCED AT THE OUTER DRIP LINE.
- NO EARTH FILLS GREATER THAN 6" IN DEPTH WILL BE MADE BENEATH TREES TO BE PRESERVED.
- IN FILL AREAS, TREES WILL BE PRESERVED IN TREE WELLS, OR THROUGH THE USE OF RETAINING WALLS.
- IN CUT AREAS, TREES WILL BE PRESERVED WITH RETAINING WALLS.

NOTES

- EXISTING TREES SHOWN TO REMAIN ON THE PLAN ARE TO REMAIN UNDISTURBED. EXISTING TREES SHOWN TO REMAIN ON THE PLAN ARE TO BE PROTECTED WITH A 4 FOOT HIGH ORANGE SNOW FENCE PLACED AT THE DRIP LINE OR AT 80% CRITICAL ROOT MASS WHICHEVER IS GREATER. ANY EXISTING TREE SHOWN TO REMAIN, WHICH IS REMOVED OR DAMAGED SUFFICIENTLY TO REQUIRE REPLACEMENT DURING CONSTRUCTION, SHALL BE REPLACED BY A 2 1/2" - 3" CALIPER SHADE TREE AS DETERMINED BY THE TOWN OF CLARKSTOWN DEPARTMENT OF ENVIRONMENTAL CONTROL. WHEN AN AREA OF EXISTING TREES IS SHOWN TO BE SAVED, AND SUCH AREA OF TREES HAS BEEN REMOVED, A 2 1/2" - 3" CALIPER SHADE TREE SHALL BE PLACED FOR EACH 500 SQ FT OF AREA DISTURBED.
- NECESSARY CARE SHALL BE TAKEN TO INSURE SURVIVAL AND APPEARANCE OF EXISTING TREES TO BE SAVED WITH BARRIER FENCING TO RESTRICT CONSTRUCTION TRAFFIC AND PERSONNEL WITHIN THE CONSTRUCTION AREA. FORM A COMPLETE ENCLOSURE ALONG DRIP LINE OF TREE OR AT 80% CRITICAL ROOT MASS WHICHEVER IS GREATER. INSTALL ORANGE CONSTRUCTION SAFETY FENCE WITH 1" POST @ 6" O/C, PULL FENCING TAUT AND SECURE WITH WIRE TIES TO PREVENT SAGGING. MAINTAIN BARRICADES UNTIL THEIR REMOVAL IS APPROVED BY THE TOWN OF CLARKSTOWN DEPARTMENT OF ENVIRONMENTAL CONTROL.
- THE LANDSCAPE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ANY EXISTING TREES TO REMAIN. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY TREES REMOVED BY THEM WITHOUT PRIOR AUTHORIZATION FROM THE TOWN OF CLARKSTOWN DEPARTMENT OF ENVIRONMENTAL CONTROL.

LEGEND

- | | | | |
|-------------|---------------------------|-------------|---------------------------------|
| --- 362 --- | EXISTING 2' CONTOUR | --- 362 --- | PROPOSED 2' CONTOUR |
| --- 360 --- | EXISTING 10' CONTOUR | --- 360 --- | PROPOSED 10' CONTOUR |
| W | EXISTING WATERLINE | WS | PROPOSED WATER SERVICE |
| ⊙ | EXISTING FIRE HYDRANT | ⊙ | PROPOSED FIRE HYDRANT |
| G | EXISTING GAS LINE | GS | PROPOSED GAS SERVICE |
| CB | EXISTING CATCH BASIN | CB | PROPOSED CATCH BASIN |
| --- | EXISTING STORM DRAIN LINE | --- | PROPOSED STORM DRAIN LINE |
| ○ SMH | EXISTING SEWER MANHOLE | ⊙ SMH | PROPOSED SEWER MANHOLE |
| - - - - - | EXISTING SEWER LINE | --- | PROPOSED SEWER HOUSE CONNECTION |
| + 360.0 | EXISTING SPOT ELEVATION | + 360.0 | PROPOSED SPOT ELEVATION |
| ⊖ | PROPOSED STONEWALL | SF | PROPOSED SILT FENCE |
| ⊖ | PROPOSED BLOCK WALL | FM | PROPOSED FORCE MAIN |

Figure 4: Tree Preservation Plan
 Kury Homes FEIS
 Town of Clarkstown, Rockland County, NY
 Source: Atzl, Scatassa & Zigler P.C.
 Full Size Drawing Number 5
 Drawing Date: 01/23/08, revised 07/16/10
 Scale: 1" = 100'



LOT AREA CALCULATIONS

LOT No.	GROSS LOT AREA (SQ. FT.)	50% WETLAND AREA (SQ. FT.)	50% SLOPE AREA (30%-50%) (SQ. FT.)	100% SLOPE AREA (50%+) (SQ. FT.)	NET LOT AREA (SQ. FT.)
1	39,022	5,449	3,422	1,323	28,828
2	31,960	N/A	N/A	N/A	31,960
3	29,638	0	0	0	29,638
4	30,547	0	0	0	30,547
5	30,136	0	0	0	30,136
6	30,849	0	0	0	30,849
7	29,904	0	0	0	29,904
8	29,967	0	0	0	29,967
9	29,400	0	0	0	29,400
10	28,684	0	0	0	28,684
11	29,386	53	497	260	28,576
12	35,759	241	685	6,002	28,667

BULK REQUIREMENTS

ZONE R-22 USE GROUP	REQUIRED	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12
NET LOT AREA	22,500 SQ.FT.	28,828 SQ.FT.	31,960 SQ.FT.	29,638 SQ.FT.	30,547 SQ.FT.	30,136 SQ.FT.	30,849 SQ.FT.	29,904 SQ.FT.	29,967 SQ.FT.	29,400 SQ.FT.	28,684 SQ.FT.	28,576 SQ.FT.	28,667 SQ.FT.
MINIMUM LOT WIDTH	125 FT.	NA **	N/A	NA**	125 FT.	125 FT.	NA**	128 FT.	125 FT.	NA**	172 FT.	195 FT.	NA**
FRONT SETBACK	35 FT.	35 FT.	N/A	35 FT.									
SIDE SETBACK	20 FT.	20 FT.	N/A	20 FT.									
TOTAL SIDE SETBACK	50 FT.	50 FT.	N/A	50 FT.									
MINIMUM REAR SETBACK	35 FT.	35 FT.	N/A	35 FT.									
MAXIMUM FLOOR AREA RATIO	0.20	0.20	N/A	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20
MAXIMUM FLOOR AREA	4,500 SQ.FT.	5,765 SQ.FT.	N/A	5,927 SQ.FT.	6,109 SQ.FT.	6,027 SQ.FT.	6,169 SQ.FT.	5,980 SQ.FT.	5,993 SQ.FT.	5,880 SQ.FT.	5,937 SQ.FT.	5,715 SQ.FT.	5,733 SQ.FT.

* IMPEDED AREA INCLUDES WETLANDS, 100 YEAR FLOOD PER F.E.M.A., OVERHEAD UTILITY EASEMENTS, ROCK OUT CROPS AND SLOPES MORE THAN 30%.
 ** CORNER LOT
 □ NOTE AREA WITHIN RIGHT OF WAYS AND SLOPES OF MORE THAN 50% DO NOT COUNT IN NET AREA.
 NOTE: LOT 2 TO BE DEDICATED TO THE TOWN OF CLARKSTOWN

LEGEND

- EXISTING SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER MANHOLE
- PVC— SANITARY SEWER
- EXISTING CATCH BASIN
- PROPOSED CATCH BASIN
- RCP— PROPOSED STORM DRAIN
- EXISTING STORM DRAIN
- ▼ DENOTES BUILDING ACCESS
- 360— EXISTING CONTOURS
- 310— PROPOSED FINISHED CONTOURS
- + 360 EXISTING SPOT ELEVATION
- + 310 PROPOSED FINISHED SPOT ELEVATION
- PROPOSED FOOTING DRAIN DISCHARGE
- * PROPOSED FIRE HYDRANT
- S— PROPOSED SILT FENCE
- RD— PROPOSED ROOF DRAIN
- FD— PROPOSED FOOTING DRAIN

DISTRICTS:

- SCHOOL DISTRICT — NYACK UFCSO 392404
- FIRE DISTRICT — CENTRAL NYACK FD 017
- LIGHT DISTRICT — CONSOLIDATED LT 001
- WATER DISTRICT — CENTRAL NYACK WD 013
- SEWER DISTRICT — CLARKSTOWN MSD SD 012

TAX MAP REFERENCE:

TOWN OF CLARKSTOWN TAX MAP
 SECTION 59.20, BLOCK 1, PARCELS 3, 4, & 5.

OWNER AND APPLICANT:

KURY HOMES, INC.
 493 SOUTH MAIN STREET
 NEW CITY, N.Y. 10956

GENERAL NOTES

- THIS PLAT IS SUBJECT TO COMPLIANCE WITH ALL LAWS, REGULATIONS AND SPECIFICATION OF THE TOWN OF CLARKSTOWN AND WITH ALL DETAILS AND SPECIFICATIONS INDICATED ON THE APPROVED CONSTRUCTION PLANS AND SITE GRADING PLANS ON FILE IN THE TOWN OF CLARKSTOWN.
- THIS PLAT DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP, AND HAS BEEN APPROVED IN THE MANNER SPECIFIED BY SECTION 239N OF THE GENERAL MUNICIPAL LAW, WHEN APPLICABLE.
- ALL REQUIRED STREETS, EASEMENTS, PARKS, IMPROVEMENTS AND UTILITIES SHOWN ON THIS PLAT, AND INDICATED ON THE APPROVED CONSTRUCTION PLANS AND SITE GRADING PLANS ON FILE IN THE TOWN, ARE HEREBY IRREVOCABLY OFFERED FOR DEDICATION TO THE TOWN OF CLARKSTOWN OR OTHER GOVERNMENT UNIT, WHEN SO INDICATED.
- EROSION CONTROL SHALL BE PROVIDED AS SHOWN ON THE APPROVED EROSION CONTROL PLAN, AND MAY BE MODIFIED BY THE DEPARTMENT OF ENVIRONMENTAL CONTROL TO CONFORM TO FIELD CONDITIONS AS THE DEVELOPMENT OF THE SITE PROGRESSES.
- IMMEDIATELY AFTER ROUGH GRADING, DISTURBED AREAS SHALL BE TEMPORARILY SEEDED WITH 1/2 LB. RYE GRASS, OR MULCHED WITH 100 LBS. OF STRAW OR HAY PER 1,000 SQ. FT.
- IN COMPLIANCE WITH SECTION 254-18B OF THE SUBDIVISION REGULATIONS, 2 LOTS AS DETERMINED BY THE DIRECTOR OF ENVIRONMENTAL CONTROL, SHALL BE RESTRICTED TO FOUNDATION PERMITS ONLY, UNTIL THE PUBLIC IMPROVEMENTS HAVE BEEN DEDICATED TO THE TOWN OF CLARKSTOWN.
- PROVIDE FOOTING DRAINS WITH POSITIVE CUTFALL ON ALL PROPOSED DWELLINGS.
- NO WILLOW TREES ARE TO BE PLANTED WITHIN ANY TOWN EASEMENTS.
- ALL UTILITIES ARE TO BE INSTALLED UNDERGROUND FOR ALL NEW DWELLINGS.

Figure 5: 11 Lot Standard Layout
 Kury Homes FEIS
 Town of Clarkstown, Rockland County, NY
 Source: Atzl, Scatassa & Zigler P.C
 Full Size Drawing Number 1.
 Drawing Date: 09/04/08, revised 12/05/08
 Scale: 1" = 110"

2.0 EXECUTIVE SUMMARY COMMENTS AND RESPONSES

Comment 2.0-1 (Letter #4, May 9, 2006, Dennis M. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control): Our copy of the document appears to be compromised in that the Figures referenced in Section 1 appear to have been prepared on 11x17 format but copied onto 8-1/2x 11 pages.

Response 2.0-1: *Comment noted, this situation has been addressed and Mr. Letson has been provided a complete copy of the DEIS document, including the Figures printed on 11 x17 format.*

3.0 DESCRIPTION OF THE PROPOSED ACTION COMMENTS AND RESPONSES

Comment 3.0-1 (Public Hearing, May, 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): This is just a view showing a steep slope coming off down to Forest Ridge down here, and I am assuming based on what is being proposed here, if you are going to have to elevate the road significantly, how far would the road have to go in order to conform to town standards?

Response 3.0-1: The Road bed will have to be elevated approximately 20 feet in order to provide a reasonable road grade and a fairly level intersection with Mountainview Avenue.

Comment 3.0-2 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): If you are in the current driveway, you can barely see. Even if some of the trees are cleared out here, because of the shape of the road and the dip in the road here, you can't really see who is coming and they can't see you properly.

I know that the driveway that you are proposing here from the development is shifted slightly over, it begins at the end of the old driveway, so it does give you a little bit more of a view potentially, but not a lot, and the problem is, Mountainview Avenue in the winter, even if it's raining down below, it could be icing up on top, and I been there many, many times when cars are off to the side of the road and where there have been accidents, and the potential for accidents is very great because a lot of people do travel on Mountainview Avenue to get to the Thruway as a cut-through, and people coming out of the condominiums and other developments in the area.

I can actually tell you what the mitigation for this would be, which would be to shift the roadway closer to this telephone pole that is over there. You can get a good view. People are coming uphill, they have a better chance of stopping than they do when they are coming down hill, and so that would require some change in design to make it safe.

Response 3.0-2: In the 11 lot Cluster Preferred Alternative, dated May 24, 2010, the driveway has been relocated to the north by approximately 50 feet. This has resulted in an increase in the available sight distance, which would be approximately 650 feet to the north and 630 feet to the south. A prevailing speed study was conducted on Mountainview Avenue on August 13, 2008, which established the 85th percentile of prevailing vehicle operating speed as 36 miles per hour for both northbound and southbound traffic. The available sight distance at the proposed access to Mountainview Avenue will meet the American Association of State Highway and Transportation Officials (AASHTO) requirements for intersection sight distance for vehicles traveling up to 55 miles per hour.

Comment 3.0-3 (Public Hearing, May 10, 2006, George Hoehmann, Member Town of Clarkstown Planning Board): ...The lot count, I am having trouble with this. I am looking at the significant regrading and the clear cutting of 80 percent of the property, and I am looking at the impact on the wetlands and, you know, I guess I have to look at lot number one. I have concerns about lot 10 as well. I mean, the wetland and steep slopes, the lot lines as well, I have questions if we are losing count of all of these lots.

In my mind are we set on the standard plan given the wetlands and given the steep slopes that have to be factored out? I didn't have a copy here of Mr. Letson's report, but one of the things

that Mr. Letson's report cited 290.21 Paragraph E, rather, and I am just wondering are those figures accurate?

Here is it, 40.2 percent of the site with slopes in excess of 15 percent. Zoning Section 290-21 (D) calls for bulk reductions for slopes within 30 and 50 percent and for slopes over 50 percent.

So the slope criteria should be shown on the maps. I am having a difficult time going through this really ascertaining how many lots would actually count, if you factor in the steep slopes and also the wetlands with lot number one, because it seems to me that that lot is going to drop off precipitously into wetlands.

***Response 3.0-3:** Mr. Hoehmann's comments refer to the original 12 lot standard plan, which was the basis of the DEIS. A memo from the building department, dated August 3, 2006 confirms that the 12 lot, As of Right plan is in conformance with the bulk requirements of the Town of Clarkstown for the R-22 zoning district, which include deductions for environmentally sensitive lands.*

The 11 lot Cluster Preferred Alternative, dated May 24, 2010 is now the proposed project. A memo from the Office of the Building Inspector, dated June 9, 2010 confirms that the 11 Lot Standard Layout Plan, which will serve as the basis for Cluster Authorization of the 11 lot Cluster Preferred Alternative, also meets the bulk regulations of the R-22 zone.

Lots 1 and 2 of the 12 lot Standard Plan, which were proposed within the areas of steep slopes and wetlands along Mountainview Avenue, have been eliminated in the 11 lot Cluster Preferred Alternative. Other than construction of the entrance road and associated landscaping, there will be no disturbance to this environmentally sensitive area. The lots which abut Mountainview Avenue, labeled as lots 1 and 13, on the 11 lot Cluster Preferred Alternative, will be gratuitously dedicated to the Town of Clarkstown for general municipal purposes and may be retained by the Town as Conservation Easements.

Comment 3.0-4 (Public Hearing, May 10, 2006, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): At this point there is a single bulk table on the standard layout subdivision plat that provides the zoning requirements for the R-22 District with a note that is there to see Sheet Six for the lot calculations based on the cut and fill plan, so that would have to be combined, and the areas that are listed here as impeded area with a note that includes the wetland, the hundred year flood plane, overhead utilities, mid rock outcrops and slopes between 30 and 50 percent, you know, I would suggest there are a number of figures in the document with the slope areas and the cuts and fills could be shown and broken out into figures within the document so that they are more easily discernible, and then you can make your determination and perhaps in this bulk requirements, A, that the bulk table here should be on the subdivision plat, not on the cut and fill plan, and I would suggest that the reductions be broken out, because the reductions are different for the different various lots, and instead of having a total impeded area figure shown, you have slopes 15, or 30 to 50 percent, slopes over 50 percent, wetland areas, and that the appropriate reduction be taken and shown in each of those individual columns.

***Response 3.0-4:** A bulk table, listed by individual lot, which shows the net lot area after deductions for areas of steep slope and wetland area, including the lot specific FAR coverage has been included on the 11 lot Cluster Preferred Alternative, dated May 24, 2010.*

Comment 3.0-5 (Public Hearing, May 10, 2006, Mark Manning, Resident, Mountainview Condominiums): The road, as you said, is very dangerous in the wintertime, especially where these homes will be built, so less traffic is much safer to have with the amount of people going back and forth as it is.

Response 3.0-5: The 11 lot Cluster Preferred Alternative is anticipated to generate 17 trips during the a.m. peak hour and 11 trips during the p.m. peak hour. The traffic to be generated by the 11 Lot Cluster Preferred Alternative is slightly reduced as a result of the reduction in the number of building lots from 12 to 11. The proposed site access road has been relocated approximately 50 feet to the north to maximize the available sight distance. (see Response 3.0-2).

Comment 3.0-6 (Letter #3, May 5, 2006, Jose Simoes, Town Planner, Town of Clarkstown): The one time fee-in-lieu of recreational land would ordinarily apply to additional residential dwelling lots over and above the dwelling lots that currently exist on the site. However, in this situation, the applicant voluntarily demolished the residences that existed on the site. It would seem that the fee-in-lieu of recreational land should be paid for all twelve of the new residences being proposed, not just nine.

Response 3.0-6: As the project site formerly was developed with three dwelling lots, only eight additional residential lots are being created in the 11 lot Cluster Preferred Alternative that would be subject to the Town of Clarkstown per lot fee in lieu of recreation land. Based on the current Town fee schedule, the project applicant will pay a one-time recreation fee for the 8 "additional" residential building lots for the 11 Lot Cluster Subdivision.

Comment 3.0-7 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The County Planning Department reviewed the proposed standard layout in the DEIS. It is our understanding that the DEIS used a standard layout that does not conform to the Town Code to evaluate the environmental impacts. 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 DEIS should evaluate a design that can be accommodated by the site with no reductions. The Town should not consider an average density alternative if the standard layout does not meet the Town Code, given that a true count is not being shown.

The DEIS should be reworked using a standard layout that conforms entirely to the Town of Clarkstown Code and bulk requirements. This may result in the loss of the total number of lots, but would also reduce the disturbance of the site, decrease impervious surface covering the site, and reduce the potential traffic impacts on the local road system. The County Planning Department finds some of the alternative layouts inadequate, as they do not truly represent average density layout. When the standard layout is reworked to conform to the Town of Clarkstown Code, the appropriate alternative layouts should be devised. We understand that the Town Planning Board finds the alternatives inadequate as well. Given this information, the County Planning Department has the following comments for the standard layout proposed in the DEIS.

Response 3.0-7: *Although the building inspector has previously determined that the 12 lot standard plan is in conformance with the applicable zoning of the Town of Clarkstown, (Refer to letter #2), the project applicant has submitted an 11 Lot Cluster Plan as a Preferred Alternative. Consistent with the County's comments noted above, an 11 Lot Standard Plan, in complete conformance with the applicable zoning regulations has been prepared in support of the 11 lot Cluster Alternative. In a letter dated June 9, 2010, The Building Inspector has confirmed that the 11 Lot Standard Plan is in full compliance with the R-22 zoning of the site (Refer to Correspondence).*

A DEIS Addendum was prepared and published on July 1, 2009, and a subsequent public hearing evaluating the reduction in impacts of the 11 Lot Cluster Preferred Alternative was held on July 22, 2009. The comments and responses from that hearing have been included in this FEIS.

Comment 3.0-8 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): A review shall be completed by the County of Rockland Department of Environmental Resources to ensure that the proposed project does not significantly impact the Mountainview Nature Park and to suggest potential mitigation in areas that are impacted.

Response 3.0-8: *The Subdivision plat shall be submitted to the County of Rockland Department of Environmental Resources for review and comment as part of the subdivision approval process.*

Comment 3.0-9 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): A review shall be completed by the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient turning radii and access to proposed structures for fire and emergency vehicles. Additionally, this office shall determine if the response times of emergency personnel meet those required by higher levels of government, The DEIS does not state the response time of the police, fire and ambulance corps; this shall be stated.

Response 3.0-9: *As stated on page 3.6-1 of the DEIS, according to the Police Chief, typical response time to the Kury Homes site would be approximately 4 minutes. The project site is served by the Central Nyack Fire Department, located less than 1 mile from the project site. Fire protection response time is estimated to be 3 to 5 minutes. The project site is served by the Nyack Volunteer Ambulance Corp., located approximately 1.5 miles from the project site. Ambulance response time is estimated to be approximately 5 to 8 minutes.*

The subdivision plat shall be submitted to the County of Rockland Office of Fire and Emergency Services for review and comment as part of the subdivision plat approval process.

Comment 3.0-10 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The time line for full construction in 2007 does not seem realistic and should be reconsidered.

Response 3.0-10: Initiation of the project is dependent upon the completion of the review and approval process. Construction duration is estimated at 12 to 18 months, however actual construction is dependent upon market conditions.

Comment 3.0-11 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): Designated areas shall be shown on the site plan for the piling of snow and salt tolerant plant species should be panted in these areas.

Response 3.0-11: As noted, the plans submitted are in fact for a subdivision plat and were incorrectly referenced as a site plan submission. The proposed Roads A and B are anticipated to be in full conformance with Town of Clarkstown road specification and shall be dedicated to the Town upon the completion of the project. Snow storage will be handled on these Town roads in accordance with policies and procedures used on all Town roads by the Town of Clarkstown Highway Department.

Comment 3.0-12 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The County Planning Department requests a hard copy of the FEIS upon acceptance by the Town of Clarkstown.

Response 3.0-12: The FEIS, once accepted by the Town of Clarkstown will be distributed as a hard copy to all involved and interested agencies including the Rockland County Department of Planning.

Comment 3.0-13 (Letter #7, August 3, 2006, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Based on the information provided on Drawing 2, we have determined that the proposed 12 lots are in conformance with the bulk requirements of the Town of Clarkstown.

Response 3.0-13: Comment noted.

Comment 3.0-14 (Letter #9, July 10, 2007, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): The buffer areas should be delineated so future homeowners do not remove any trees in these areas.

Response 3.0-14: On the 11 Lot Cluster Preferred Alternative, dated May 24, 2010 the Landscape buffers are delineated as follows:

- East property line: 10 ft. buffer
- North property line 20 foot buffer
- West property line 25 foot buffer

These buffers would be dedicated to the Town of Clarkstown as conservation easements and would thereby be protected from future removal of vegetation.

Comment 3.0-15 (Letter #9, July 10, 2007, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Bulk appears acceptable but will have to be approved by the Planning Board.

Response 3.0-15: This comment refers to the 11 lot Cluster Alternative, dated May 24, 2010, which has been thoroughly reviewed by the Planning Board.

Comment 3.0-16 (Letter #9, July 10, 2007, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Show any required lot deductions.

Response 3.0-16: A bulk table, listed by individual lot, which shows the net lot area after deductions for areas of steep slope and wetland area, including the lot specific FAR coverage has been included on the 11 lot Cluster Alternative, dated May 24, 2010.

Comment 3.0-17 (Letter #9, July 10, 2007, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Will emergency access be paved or grasscrete?

Response 3.0-17: The emergency access is proposed as being constructed with pervious material as directed by the Planning Board.

Comment 3.0-18 (Letter #10, July 24, 2007, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): It would be helpful to have a plan with topo and a conceptual grading plan.

Response 3.0-18: The DEIS Addendum dated July 1, 2009, included a full set of full size plans for the 11 lot Cluster Alternative, dated May 24, 2010 including grading and an erosion control plan, also dated May 24, 2010.

Comment 3.0-19 (Letter #10, July 24, 2007, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): We suggest the driveways for lots 8 & 9 access the northerly cul de sac if possible.

Response 3.0-19: The 11 lot Cluster Preferred Alternative, as shown on the Engineering Plans prepared by Atzl Scatassa and Zigler, dated May 24, 2010, includes a redesign and lot renumbering. The lots which are located off Road B, the northern cul-de-sac, now have their driveway access onto Road B.

Comment 3.0-20 (Letter #10, July 24, 2007, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): In general, how will 10 foot buffers along easterly & northerly boundaries be treated to provide adequate screening.

Response 3.0-20: The Landscape Plan for the 11 lot Cluster Preferred Alternative, dated May 24, 2010 shows conservation easements and proposed Landscape screening along the north, south and east property boundaries.

Comment 3.0-21 (Letter #10, July 24, 2007, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): For purposed of the public hearing and general references purposes, the names of adjoining property owners should be updated where necessary.

Response 3.0-21: The names of adjacent property owners have been included on the 11 lot Cluster subdivision plat shown on the full size Drawing Plan set dated May 24, 2010, which is included and made part of this FEIS submission.

Comment 3.0-22 (Letter #10, July 24, 2007, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): As the plan progresses, sight distances along Mountainview Avenue should be shown.

Response 3.0-22: The 11 lot Cluster Preferred Alternative, dated May 24, 2010 subdivision plat includes noted sight distance of 650 feet to the north and 630 feet to the south. (Refer to Response 3.0-2 for a discussion of sight distance adequacy.)

Comment 3.0-23 (Letter #13, April 3, 2008, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Coordinate lot area of lots 2 & 3 with bulk table.

Response 3.0-23: Comment noted. The 11 lot Cluster Alternative, dated May 24, 2010 includes an updated bulk table.

Comment 3.0-24 (Letter #13, April 3, 2008, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Provide dimension line for lot width measurement.

Response 3.0-24: A dimension line for lot width measurement has been included on the 11 lot Cluster Preferred Alternative, dated May 24, 2010.

Comment 3.0-25 (Letter #13, April 3, 2008, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Show slope deductions.

Response 3.0-25: The net lot area, minus the steep slope and wetland areas are shown on the Bulk Table included on the subdivision plat.

Comment 3.0-26 (Letter #13, April 3, 2008, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Add map note that subdivision is being developed under Town Law 278.

Response 3.0-26: Map note #10 on the 11 lot Cluster Alternative, dated May 24, 2010 indicates "This subdivision is to be developed under Town Law Section 278 for Cluster Development."

Comment 3.0-27 (Letter #13, April 3, 2008, Charles Maneri, Building Plans Examiner, Town of Clarkstown Building Department): Add drawing list to plat.

Response 3.0-27: Comment noted. A drawing list shall be added to the plat prior to final subdivision plat approval.

Comment 3.0-28 (Letter #14, March 28, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control): Extend street tree plantings on both sides of the proposed road to the entrance of the Mountainview Avenue.

Response 3.0-28: The Landscape Plan for the 11 lot Cluster Preferred Alternative, dated May 24, 2010 illustrates street tree plantings on both sides of the proposed road to the entrance of the Mountainview Avenue.

Comment 3.0-29 (Letter #16, June 4, 2008, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The application sent to the Planning Department is for an 11-lot cluster subdivision. However, no standard layout was provided, nor do our records indicate that we have ever seen an approved standard layout for the lot count. Prior to continuing with the cluster development, a standard layout must be designed showing that there are 11 conforming lots which comply with all of the bulk requirements in the R-22 zoning district for the Town of Clarkstown, including deductions for lands within wetlands and on steep slopes. The subdivision layout lots must not contain irregular shaped lots or require any variances.

Response 3.0-29: The required 11 lot Standard Layout Plan in support of the 11 lot Cluster Preferred Alternative, dated May 24, 2010 was distributed to all involved and interested agencies with the July 1, 2009, DEIS Addendum and was subject to the Public Hearing on July 22, 2009.

Comment 3.0-30 (Letter #18, June 25, 2008, Mr. & Mrs. Craig Reynolds): Having had grown up in Valley Cottage, I can say that the Mountain View Condos alone make up a large population of Valley Cottage. The reason why so many young adults, couples with families, and seniors want to live here is because we all do our part to take care of our units and complex to preserve the beauty and environment that surround us. Let's not force people out and deter people from moving in.

Response 3.0-30: Comment noted.

Comment 3.0-31 (Letter #20, May 20, 2009, Mark Papenmeyer, Chief Fire Safety Inspector, Town of Clarkstown): No comment on layout, but emergency access must be provided.

Response 3.0-31: At the request of the Planning Board an emergency access to Mountainview Condominiums has been added to the 11 lot Cluster Preferred Alternative subdivision plat.

Comment 3.0-32 (Public Hearing, June 25, 2008, Dennis M. Letson, P.E., Deputy Director Environmental Control and Jose, Simos, Town Planner, Town of Clarkstown): With regards to the plans that were submitted, the one inconsistency in the plan is the roadway alignment has been revised on the subdivision and the grading plans, but it still appears as the straight road alignment on the landscaping plan.

Response 3.0-32: The landscape plan for the 11 Lot Cluster Preferred Alternative has been revised to be consistent with the road layout shown on the 11 lot Cluster as shown in the DEIS Addendum, July 1, 2009.

Comment 3.0-33 (Public Hearing, June 25, 2008, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control):there should be some commentary vis-a-vis the configuration and the physical parameters of that (Mountainview Avenue) road and how they conform to the Town's design standards.

Response 3.0-33: A road profile of Mountainview Avenue including road width and the location of vertical and horizontal curves has been prepared for review by the Planning Board and the Town's technical consultants to assess compliance with the Town's Road design standards.

The proposed Access Road, designated as Road A on the subdivision plat has been designed to be in full conformance with Town roadway specifications. A letter has been sent to the Superintendent of Highways requesting his review and conformation that the Town's roadway specifications have been met (refer to Correspondence.) A road profile and cross-section had been prepared for review to assess compliance with the Town's Road design standards.

Comment 3.0-34 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): Also there was not any proper note of the adjoining parcel which is town open space land. It's formerly the Afarian property, and that is to the east of your parcel and I think it should be noted and any considerations taken into account.

Response 3.0-34: Comment noted. The adjacent property owners have been indicated on the 11 lot Cluster Preferred Alternative subdivision plat.

Comment 3.0-35 (Public Hearing, June 25, 2008, Lary Von Cleek, 722 Sierra Vista Lane): Basements of the building, are they fully sunk basements? Are they partial or are they really just a slab with walls built up and an extra floor appearing as if it were a basement?

I don't know what the responsibility of the builder is to provide a maximum depth of the basement. I don't know. This is the first time I have been to a board meeting, but I am concerned that they may just build on a slab and call it a basement.

I really don't expect that you can dig 11 basements in that kind of terrain, the kind of geography.

Response 3.0-35: The proposed houses will be constructed with full basements and they will be nestled into the property.

Comment 3.0-36 (Public Hearing, June 10, 2009, Shirley Thorman, President, Town of Clarkstown Planning Board): Clarkstown Highway Department reserves comment. Please forward prints and specs with proposed road widths, construction specs, etcetera.

Response 3.0-36: Comment noted. A full set of plans for the subdivision will be submitted to the Highway Department for review and comment as part of the subdivision approval process.

Comment 3.0-37 (Public Hearing, June 10, 2009, Peter Streitman, Member Town of Clarkstown Planning Board): First question I guess is, you mentioned the zoning or the Kury Homes first development (Camelot) that you had done in New City. What was the zoning on that?

....What was the zoning, as you said, I guess, on the FAR on that (Camelot), what did you want to do?

***Response 3.0-37:** The Camelot development was developed under average density, applied to R-22 zoning, the same as the Kury Homes project is zoned today. R-22 refers to lots that have a minimum lot size of 22,500 square foot in area, which is basically half acre zoning. The lots at Camelot were reduced under average density to about 18,750 square feet.*

Comment 3.0-38 (Public Hearing, June 10, 2009, Peter Streitman, Member Town of Clarkstown Planning Board): That is how you got the FAR calculations. You are making a lot of references to the FAR calculations on that property that you are able to build a certain size home, and you want to try to do it with this development as well, is that correct?

... The question I am asking is, some precedence seems to be set in the Camelot subdivision based on those lots were originally R-22, you were able to build, I guess, on R-18 lots in the zoning and be able, somehow you were able to get the FAR on those to accede or be similar to what you are proposing here.

***Response 3.0-38:** The applicant did not start out to emulate the Camelot development.*

Originally the applicant had submitted a 12 lot standard layout subdivision, and was asked to prepare an average density alternative. In working with the Planning Board over an extended period of time the applicant submitted an 11 lot Cluster Preferred Alternative, Dated May 24, 2010 to address many of the concerns that were raised during the environmental review. However, the applicant is interested in building a similar sized house on the 11 lot Cluster as he would have been entitled to build on the supporting 11 lot standard plan. This resulted in the extensive discussion of FAR calculation, which resulted in the Planning Board's consideration of lot specific FAR which are now stipulated in the Bulk table on the subdivision plat.

It was in trying to help the Planning Board visualize how the proposed lot specific FAR would look once constructed, particularly on the lots along the southern property boundary, that the similarity to the lot sizes and square footage of the homes in Camelot was referenced.

The visual impact of the lot specific FAR on an 18,000 square foot lot, as implemented by this developer can be seen in similar houses already constructed in the Camelot Development. The overall quality of building is also evident in the Camelot Development.

Comment 3.0-39 (Public Hearing, June 10, 2009, Peter Streitman, Member Town of Clarkstown Planning Board): Another question, I guess between the two layouts, and I think it was answered based on the standard layout seemed like a lot less impervious area with the roads compared to the cluster, but maybe that was designed for the emergency access.

....When you look at the map, the cul de sacs are smaller?

Response 3.0-39: The impervious surface of the 11 lot Cluster Preferred Alternative is reduced compared to the initial DEIS projections of impervious surface for 12 single family lots.

Comment 3.0-40 (Public Hearing, June 10, 2009, Rudolph Yacyshyn, Vice Chairman Clarkstown Planning Board): There is no question that in my view, the cluster, the 11 lot cluster presents a very workable, under the current circumstances, a very workable design, and for me at this point with some additional tweaking and everything else later on, but at the SEQRA level I think it pretty much meets, if we can get past some of the screening that has been raised previously and reiterated by Mr. Baum in his letter.

I am sure the minds of the neighbors, ---The issue of the FAR, which was paramount in the Camelot subdivision and it's back and flow is something that I have to grapple with, and I would like to hear from the public if they even know what we are talking about in that regard. It's something I think that we have to really be very, very careful to, you know, set some kind of design precedent in the future.

Response 3.0-40: Development under Town Law 278 Cluster Development allows the Planning Board to consider each subdivision plat individually, on it's own merits, and allows design flexibility to achieve the preservation of environmentally sensitive areas. Development of this site in an 11 lot Cluster as proposed, including the stipulation of lot specific FAR requirements achieves the preservation of large areas of steep slopes, and wetland areas and provides for the maximum sensitivity to visual impacts.

Comment 3.0-41 (Public Hearing, June 10, 2009, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): All of these issues have been identified, all right, there is no doubt about that. Visual impact of any development on this property is one of the paramount concerns, and it's the reason after three and a half years we are still at the DEIS public hearing stage.

The applicant has come in before this Board to request to utilize average density for an 11 lot alternate development. Their concern, and what they need to know before this thing is going anywhere further, is whether or not this Board is going to authorize the larger FAR that they are requesting so that they can build a particular home style.

The issues to be mitigated will not change, whether they do the 11 lot or the original standard 12 lot or whatever layout they do, the issues are still there.

We are not going to answer how those are going to be mitigated tonight or until this Board decides whether or not you are going to favorably entertain the FAR values that they are asking for.

If you don't favorably entertain those values, everything that we are discussing with the particulars of this 11 lot subdivision goes out the window, and we discuss it based on the 12 lot or a 12 lot average density or whatever else comes in to provide an adequate level of mitigation.

I am not even saying that this may end up being an 11 lot subdivision coming out the other end of this process, because up until some particular layout is analyzed in a level of detail to determine whether this Board feels that the potential impacts are adequately mitigated, there is no fixed layout.

***Response 3.0-41:** After extensive review and discussion with the Town of Clarkstown Planning Board and technical staff, the 11 lot Cluster Preferred Alternative, dated May 24, 2010, including the stipulation of lot specific FAR requirements, which was the subject of the July 22, 2009 public hearing, is proposed by the Applicant as the Alternative which minimizes environmental impacts to the maximum extent practicable.*

Comment 3.0-42 (Public Hearing, June 10, 2009, Jan Chasen, President of the Forest Ridge Condominium): One thing I have to ask, when you look at it, when you does his standard 11 layout on the left, he uses 11 units, but they are numbered differently than the ones on the right so you may want to find out are they comparing the same two set of 11.

***Response 3.0-42:** Development of the 11 lot Cluster Preferred Alternative, dated May 24, 2010 did result in lot renumbering compared to previous submissions.*

Comment 3.0-43 (Public Hearing, June 10, 2009, Christopher Carey, Member Town of Clarkstown Planning Board): I understand that. Here is my gut feeling, and in an area where the viewshed is very important here, my gut feeling is that smaller buildings are better because they will be less conspicuous.

I just want to hear the rational and explain a little bit economically how you would be injured by having a smaller footprint of a house.

***Response 3.0-43:** The lot specific FAR stipulation was developed in an effort to allow the Applicant to build reasonable houses on the smaller lots, while preventing the construction of monstrous buildings on the larger lots.*

Comment 3.0-44 (Public Hearing, June 10, 2009, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): Although I generally find myself in agreement with the wise planner, I guess my question would be if -- the county may have asked for this plan because they hadn't seen it before, but this is a plan that's only before this Board informally to resolve one issue with regards to the overall process.

I think the better alternative would be if the applicant, you know, is choosing to go forth with the plan based on this Board's willingness to entertain a variable FAR, then they should proceed with preparing the supplement to the DEIS, and that should be distributed in due course with the County being a part of that distribution list and all agencies and the public get the same opportunity to comment.

***Response 3.0-44:** As stated the Applicant formally submitted a full set of plans on the 11 lot Cluster Preferred Alternative, dated May 24, 2010, in addition to the supporting plans for an 11 lot Standard Layout plan which is in full conformance to the zoning code.*

These plans were distributed to all involved and interested agencies and were the subject of a public hearing held July 22, 2009.

Comment 3.0-45 (Public Hearing, June 10, 2009, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): While we are waiting, according to the regulations, the Board can require a supplemental EIS limited to specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from changes proposed for the project, newly discovered information, or a change in circumstances related to the project, and my feeling is what we are talking about now marginally fits, it's one of those categories, and I would hate for the Board to do something that it turns out is inconsistent with the regulations, so I am going to suggest we just call it an addendum rather than a supplemental EIS and get the same information when the Board reviews it.

The additional information Ms. Cutignola just talked about can also be incorporated into the FEIS with respect to comments, and from my perspective it is a cleaner way to handle it.

Response 3.0-45: *A DEIS Addendum on the 11 lot Cluster Preferred Alternative was prepared and published July 1, 2009. A public hearing on the Addendum was held on July 22, 2009. The comments from that hearing have been incorporated and responded to in this FEIS.*

Comment 3.0-46 (Public Hearing, July 22, 2009, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): As Mr. Geneslaw indicates, the addendum does refer to conservation easements around the perimeter of the property but the drawings indicate landscape buffers, so that needs to be clarified.

Response 3.0-46: *The applicant has agreed to provide the landscape buffers as conservation easements, so long as that does not impact the FAR calculations.*

Comment 3.0-47 (Public Hearing, July 22, 2009, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): ...we would also suggest investigation relocation of the detention pond access road to the area between lots two and three in order to provide additional buffering area on the northerly side of the property against the Mountainview Condominium development, and we reserve additional site comments at the time of preliminary review on a more detailed basis.

Response 3.0-47: *Based on the through investigation of alternatives to manage the Stormwater, the detention pond location is optimal located to manage the stormwater and allow for proper maintenance of the stormwater facilities.*

The Applicant would be willing to relocate the stormwater detention pond maintenance road in order to provide the maximum buffering area on the north side of the property, along the property line of the Mountainview Condominium development, however the grades of a maintenance road between lots two and three area may be prohibitive.

Additional Alternatives for relocating the proposed stormwater maintenance access road are being prepared by the Applicant including a stormwater maintenance access road from Road A to the southerly portion of the stormwater basin. The Planning Board shall identify the optimal location for the proposed access road prior to final subdivision approval.

Comment 3.0-48 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 1. May 15, 2009 letter from Tim Miller Associates contains the statement that "Price Construction has established conservation easements varying from 10 to 25 feet wide along the perimeter of the property".

The plans identify these areas as landscape buffers, which has a much lower form of protection. This should be clarified and resolved.

Response 3.0-48: refer to Response 3.0-46.

Comment 3.0-49 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 2. The plans propose white pines along the southern boundary, adjacent to Mountainbrook Estates. We recommend an alternative evergreen species since white pines will lose lower branches within a relatively brief time.

Response 3.0-49: Mr. Geneslaw was not looking at the most recent landscape plan. The plan that was submitted with the DEIS Addendum shows a variety of trees along the southern border. If for some reason this variety of trees is not acceptable, the applicant will continue to work with the Planning Board during the subdivision plat approval process to identify acceptable landscape treatments.

Comment 3.0-50 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 3. The entry road is directly opposite the now formerly McLarty property and the residents of that home are likely to have headlights glare from departing vehicles shining through their windows. Some sort of mitigation, such as fencing, evergreen screening, berming, etc. should be offered by the applicant to mitigate the impact.

Response 3.0-50: This access road has been relocated to maximize available sight distance along Mountainview Avenue according to the Planning Board's direction. The Applicant will continue to work with the Board minimize this impact as far as practical, although there may be limited options in moving the access road location to reduce headlight glare, if maximum sight distance is to be preserved. The Access road will be in full conformance with Town Design Standards Street Specifications, unless modified by the Planning Board to mitigate for sight distance and visual impact considerations.

The Applicant will provide landscape screening, to minimize headlight glare, on the residential property across from the access drive location, upon granting of a right of entry from the property owner.

Comment 3.0-51 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 5. Note 10 on Drawing 1 should be modified to include the resolution number and date of Town Board authorizing resolution.

Response 3.0-51: Comment noted. This change will be made prior to preliminary subdivision plat approval.

Comment 3.0-52 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 6. A note should be added to the Bulk Requirement table on Drawing 1, indicating the date and approving agency, Planning Board, Town Board, for the approved bulk requirements.

Response 3.0-52: Comment noted. This change will be made prior to preliminary subdivision plat approval.

Comment 3.0-53 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 7. The legend on Drawing 2 should include reference to all patterns used on drawing, i.e., cross hatch and solid black areas in lots 1 and 13.

Response 3.0-53: Comment noted. Since these areas which designated steep slope areas occur primarily on lots 1 and 13, which are to be left undisturbed and dedicated to the Town, the patterns have been removed from the drawing.

Comment 3.0-54 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 8. Consideration should be given to a drop curb at the ends of the emergency access, see Drawing 2.

Response 3.0-54: Comment noted. This change will be made prior to preliminary subdivision plat approval.

Comment 3.0-55 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 9. Many of the lots have almost no relatively flat backyard space for family use. See Drawing 2.

The Board may want to consider more extensive use of retaining walls to create flatter areas. The top and bottom of wall heights should be easier to read, (needs larger type). That too we'll consider subsequently.

Response 3.0-55: Comment noted. Plan notes have been added to the 11 lot Cluster Preferred Alternative plan which stipulates the retaining walls in individual backyards will not exceed six feet. Refer to the Full size plans for individual proposed wall heights, where the elevation markings are legible

Comment 3.0-56 (Public Hearing, July 22, 2009, Jose Simoes, Town Planner, Town of Clarkstown): I believe previously there was some discussion about the emergency access and obtaining some sort of authorization from the adjacent condominium complex and I believe you wrote a letter to the President of the Board, I don't know if you receive any response.

***Response 3.0-56:** (The Applicant has submitted a letter of intent, per the Planning Boards, recommendation, which has been included in the FEIS correspondence so the letter will become part of the public record. The attorney for Mountainview Condominiums has contacted Mr. Price and he is reviewing the matter but he has not yet responded. The Applicant will build the emergency access at the Planning Board's discretion. He will put the gate on their property or our property, as stipulated by the Planning Board Final details of the emergency access will be resolved during the subdivision plat approval process.*

Comment 3.0-57 (Public Hearing, July 22, 2009, Marvin Baum (via letter read by Jose Simoes), Member Town of Clarkstown Planning Board): 1. Will the 10 to 25 foot landscape buffers, and this we had discussed previously, actually be held as "conservation easements." Past experience shows the landscape buffers hold no legal status and are often disregarded by future property owners. To properly preserve these buffers from encroachments by pools, sheds, etcetera, I think the term conservation easement, should be placed in all deeds, as this term has a specific Town of Clarkstown legal status that can be enforced, should the buffers be removed by a future homeowners.

The Planning Board has, at times, also required small boulders or other demarcations to be placed along the easement lines as a reminder to future owners, which I think would be good in this case. I believe this has been addressed already.

***Response 3.0-57:** As shown on the Landscape Plan, Figure L-1, the Applicant is proposing a 10 foot wide landscape buffer on the southern boundary of the property, a 20 foot wide landscape buffer at the rear of the property, and a 25 foot wide landscape buffer on the northern property boundary, in the vicinity of the Mountainview Condominiums. These buffer areas shall be deed restricted as conservation easements. In areas where the buffer areas are in the rear yard, boulders shall be placed a minimum of 10 feet apart to identify the easement area. .*

Comment 3.0-58 (Public Hearing, July 22, 2009, Marvin Baum (via letter read by Jose Simoes), Member Town of Clarkstown Planning Board): 2. I assume that Kury Homes will rip up the old driveway and install a proper sidewalk across it. Is this the case?

***Response 3.0-58:** The Applicant will be removing the existing driveway and reinstalling the sidewalk in the existing location along Mountainview Avenue.*

Comment 3.0-59 (Public Hearing, July 22, 2009, Marvin Baum (via letter read by Jose Simoes), Member Town of Clarkstown Planning Board): Will Kury Homes do a general clean-up of the front portion of the property along Mountainview such removal of litter, invasive species, misc. mess, etc.? This would certainly help the appearance.

Response 3.0-59: The Applicant shall work with the Board to come to a resolution of this issue. Public comment indicated a strong desire to leave the view from Mountainview Avenue in its natural state. The Applicant shall work with the Planning Board during the course of the subdivision plat review to achieve a tidy yet natural look to the project entrance area.

Comment 3.0-60 (Public Hearing, July 22, 2009, Marvin Baum (via letter read by Jose Simoes), Member Town of Clarkstown Planning Board): Next comment has to do with the stone walls at the entry point of the roadway, will they interfere with driver vision? We were just discussing sight distances.

Response 3.0-60: Positioning of stone entryway markers will be located so they are out of the driver's line of sight.

Comment 3.0-61 (Public Hearing, July 22, 2009, Marvin Baum (via letter read by Jose Simoes), Member Town of Clarkstown Planning Board): I am surprised that some of the trees along the inner roadway will only be two and a half to three feet at time of planting, which is just barely more than a seedling. This seems very small. I would have expected six to eight inches at a minimum.

Response 3.0-61: The proposed street trees are six to eight inch trees dBh that is typical of what is planted in a new subdivision.

Comment 3.0-62 (Public Hearing, July 22, 2009, Rudolph Yacyshyn, Vice President Town of Clarkstown Planning Board): The Town Highway department, they reserve comment. Please forward prints and specs with proposed road widths, construction specs. etcetera.

Response 3.0-62: Comment noted.

Comment 3.0-63 (Public Hearing, July 22, 2009, Rudolph Yacyshyn, Vice President Town of Clarkstown Planning Board): The Fire Inspector has no comment on layout, but emergency access must be provided.

Response 3.0-63: Comment noted.

Comment 3.0-64 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 1. A review must be completed by the County of Rockland Division of Environmental Resources and any comments addressed.

Response 3.0-64: Comment noted. All required permits and approvals will be secured by the Applicant prior to final subdivision plat approval.

Comment 3.0-65 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 2. A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

Response 3.0-65: Comment noted. All required permits and approvals will be secured by the Applicant prior to final subdivision plat approval.

Comment 3.0-66 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 3. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

Response 3.0-66: Comment noted. All required permits and approvals will be secured by the Applicant prior to final subdivision plat approval.

Comment 3.0-67 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 4. A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

Response 3.0-67: Comment noted. All required permits and approvals will be secured by the Applicant prior to final subdivision plat approval.

Comment 3.0-68 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 10. Given the fact that this proposed subdivision is located directly across the street from Mountainview Nature County Park, sidewalks should be provided along the subdivision roads, and a crosswalk connecting Road "A" to the park entrance across Mountainview Avenue should be delineated so that the residents can safely access the park for hiking or passive recreation enjoyment. Signed by Salvatore Corallo, Commissioner of Planning.

Response 3.0-68: The Applicant has committed to construction of a crosswalk to Mountainview Nature Park on the west side of Mountainview Avenue. This crosswalk is to be painted with reflective material to be easily visible to vehicles traveling along Mountainview Avenue. Due to the 11 lot unit count and the lack of other pedestrian destinations, no internal sidewalks are proposed.

Comment 3.0-69 (Public Hearing, July 22, 2009, Rudolph Yacyshyn, Vice Chairman Clarkstown Planning Board): The code I believe indicated where sidewalks are a requirement in the R zones. I don't believe they require them on both sides in an R-22 unless that has changed....

....I think they specifically spoke of the interior sidewalks in the subdivision itself, should be along the subdivision roads.

Response 3.0-69: Based upon the 11 lot unit count and the lack of pedestrian destinations, internal sidewalks are not proposed.

Comment 3.0-70 (Public Hearing, July 22, 2009, Jose Simoes, Town Planner, Town of Clarkstown): What the county is actually referring to, if you look in the aerial, there is a sliver of county property between the two homes on the other side of the street which is part of that Mountainview Nature Park, and there is a trail that runs between those two homes, and then essentially you have to cross the street and travel south to that hook-up to the rest of the trail that goes to the long path. That is what they are referring to.

I don't know if you can see that on the aerial, that sliver of property right there that is right across from the subject property. It might be worthwhile that some signage be put there because you can very well see, and this might even happen with Forest Ridge and it happened when I was hiking in that area trying to find where to go to get to the long path, you come out to the roadway and you are not quite sure where to go so you end up going straight.

What happens is, if you go on that sliver of property to the south, you wind up walking up for Forest Ridge Road and then you end up in the townhouses. The same thing might happen here on this other sliver. You go down the trail, you cross the street, you will go up basically the Kury Homes Road and then find yourself in a bunch of single-family homes and not being able to find the trail, so at the very least maybe some signage that directs you to the long path or where the trail is supposed to be.

I don't think we have received any comments from the New York and Jersey Trail Conference yet but they should actually comment on this particular issue.

Response 3.0-70: *The Applicant shall install appropriate signage to indicate the correct location of the long path.*

Comment 3.0-71 (Public Hearing, July 22, 2009, Jan Chasen, President of the Forest Ridge Condominium): I really appreciate the efforts that the builder has put into answering a lot of the questions, but I still see that most of the buffer discussion, and I highly endorse his conservation easement concept, has been dedicated to mostly the northern side.

The southern side, which not only impacts us but all the residents of the town and everything, only has a small 10 foot buffer and is not with evergreens or not concentrated with evergreens. I have a unit that will be facing very close to two of the homes and there is very little buffer there, so I am questioning why is there 25 feet on one side and only 10 on the other, and we strongly urge that the buffer be there to protect not only us, but the site lines south of the development.

Response 3.0-71: *In construction of the Forest Ridge Condominium clearing and grading occurred right up to the property line. The Kury Homes Applicant is proposing a 10 foot conservation easement along the southern property boundary, which will be extensively landscaped. Should the Forest Ridge Development require additional screening, consideration should be given to provision of a matching conservation easement along their property boundary with placement of additional landscaping by Forest Ridge on their property. The Applicant is willing to work with them to assist in the installation of any landscaping they wish to provide in this area.*

Comment 3.0-72 (Public Hearing, July 22, 2009, Jan Chasen, President of the Forest Ridge Condominium): We are also concerned about the clean-up, not only along Mountainview Avenue, but on the south side of that property there is piping, lots of other things in that forest including a bathtub.

Response 3.0-72: *The applicant will clean the debris located in lots 1 and 13 during the construction process.*

3.1 GEOLOGIC RESOURCES COMMENTS AND RESPONSES

Comment 3.1-1 (Letter #4, May 9, 2006, Dennis M. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control. A similar comment was made by George Hoehmann, Member Town of Clarkstown Planning Board, Public Hearing, May 10, 2006): DEIS Section 1.3.1 indicates 40.2% of the site with slopes in excess of 15%. Zoning Section 290-21 D calls for bulk reductions for slopes between 30% and 50% and for slopes over 50%. These slope criteria should be shown on the maps.

***Response 3.1-1:** The 11 Lot Cluster Preferred Alternative eliminates development from the vicinity of Mountainview Avenue in order to preserve steep slopes and avoid impacts to wetland areas. A Table which shows the environmental deductions on a per lot basis is included on the revised plan. No development is proposed on slopes over 30 percent, therefore no reductions are required.*

Comment 3.1-2 (Letter #4, May, 9, 2006, Dennis M. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control): P-1-4: Proposed Mitigation Measures indicate test holes were excavated on the site. Location plan and test pit logs are provided in the DEIS Appendix D, and should be referenced.

***Response 3.1-2:** Comment noted. There is no blasting anticipated in conjunction with the proposed 11 Lot Cluster Preferred Alternative.*

Comment 3.1-3 (Letter #14, March 28, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control): Erosion Control Plan - due to the steepness of the slope, additional erosion control measures will be required such as stone check dams, level spreaders, earth berms, temporary swales, and/or temporary sediment basins.

***Response 3.1-3:** An erosion control plan for the 11 Lot Cluster Preferred Alternative has been submitted for review and will require approval by the Town of Clarkstown Planning Board prior to final subdivision plat approval.*

Comment 3.1-4 (Public Hearing, June 25, 2008, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): In the third paragraph about halfway down with regards to the total slope disturbance figures, they refer to the overall disturbance figures that were quoted previously in the narrative.

***Response 3.1-4:** Comment noted. See Revised Table 4-2 Alternative Impact Comparisons, included in the DEIS Addendum, Dated July 1, 2009.*

Comment 3.1-5 (Public Hearing, June 25, 2008, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): There was an indication that it appeared that the changes to the cut and fill analysis needs to be reexamined based on the amount of time we can spend on it. They did not appear to be consistent.

***Response 3.1-5:** The Summary Table 4-2 Alternative Impact Comparisons, included in the DEIS Addendum, Dated July 1, 2009, has been updated.*

Comment 3.1-6 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): There has been some reduction in the cut and fill which we think is very positive, but still seems like there is a lot, and maybe if that could be looked at and refined a little bit more, and maybe a visual simulation will help you to understand what is really being proposed.

Response 3.1-6: The DEIS Addendum dated July 1, 2009, includes Figures 3.4-1 to 3.4-22, visual analysis and photo simulations of the proposed 11 lot Cluster Preferred Alternative.

Comment 3.1-7 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): It's hard to tell how the road will be impacted going through the earlier part close to Mountainview Avenue where it's going to be preserved because there is going to have to be a build-up in the middle to raise it up. It's going to be with walls, with gravel down to the ground. How is it going to impact the adjoining property? And are there going to be additional trees taken down, so that was just a concern. And there were also springs on the property, I recall, and if this road is going to become a town road, if those springs are not properly dealt with, there is a possibility that the roads could become unstable over time and taxpayers have to foot the bill for any corrections,...

Response 3.1-7: The proposed road grades and road specifications are shown on the 11 lot Cluster Preferred Alternative subdivision plat submitted for review and approval by the Town of Clarkstown. The SWPPP stipulates measures to divert water away from the road infrastructure.

Comment 3.1-8 (Public Hearing, June 25, 2008, Gail Ippolito, 208 Mountainview Avenue): My question is going to be, since we know there is a lot of rock in Rockland County about blasting and compromising foundations in the surrounding homes, and that was just a concern because that can create cracks in existing foundations of surrounding homes from what I have been told. I don't know if that's accurate, but is there going to be a log of blasting, or is there not going to be any blasting?

Response 3.1-8: Although there is a Town blasting ordinance designed to protect surrounding property owners in the event blasting would be required, it is not anticipated that blasting will be required to develop the proposed project. The majority of the rock referenced is also in the area of the steepest slope, that is why the rock is exposed and that is not where the building sites are located. Although there is significant rock on-site the specific spots where the building footprints are intended to be, were tested to a depth of 20 feet or more without hitting bedrock.

Comment 3.1-9 (Public Hearing, July 22, 2009, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): We would suggest the use of tree walls be investigated to preserve additional established trees around the limits of grading or in the area of limited grading, and also the clearing lines should be added onto the drawing.

Response 3.1-9: The recommended measures will be included on the subdivision plat prior to preliminary subdivision approval. Tree wells are now shown on the subdivision grading plan.

Comment 3.1-10 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 5. 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 3.1-10: *Comment noted. All Required permits and approvals will be secured by the Applicant prior to final subdivision approval.*

3.2 WATER RESOURCES COMMENTS AND RESPONSES

Comment 3.2-1 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): We looked at the wetlands when I went down there, and one of the things that was of concern, you may have addressed it properly, it seemed like there were wet areas beyond the flagged areas if we are reading the flags correctly, so the wetlands is still a bit of an issue and a concern, and make sure that it has been flagged correctly.

Response 3.2-1: The wetland delineation has been reflagged and a new Jurisdictional Determination by the Army Corp. of Engineers has been secured which is valid through February 2014, and which confirms the wetlands to be in essentially the same area as previously designated. These items are included in the DEIS Addendum as Appendix I. The location of the new wetland delineation is included on each page of the subdivision plat.

Comment 3.2-2 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): Also one of the things that we had seen, and I have been there a number of times, sometimes with colleagues and sometimes on my own, is that there are areas that appear to be almost like springs. Water is coming from various places.

...We don't know what the impacts of that necessarily will be.

...This is further up. This is not down here, this is over here, and it seems to be actively running,....

Response 3.2-2: There are no known streams in this area and it is not in the delineated wetland area. Refer to Response 3.2-1. Upon construction, should any streams or other groundwater sources be discovered, additional drainage in the form of bleed outs or under drains shall be installed to mitigate any unforeseen impacts.

Comment 3.2-3 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): I saw areas where there seem to be wetlands, at least based on the type of plants that were growing there that were not on the lower part.

You can see this goes down towards the wetlands that have been flagged down there. I don't technically, and I have to refer that to our DEC about these kinds of plants at other locations which might be a reflection of underground springs which causes it to be wet, and I think that was it.

Response 3.2-3: Refer to Response 3.2-1 and 3.2-2.

Comment 3.2-4 (Public Hearing, May 10, 2006, Rudolph Yacyshyn, Vice Chairman Clarkstown Planning Board): Just a question to Mr. Letson. I think in your report you made mention of the Army Corps of Engineers, a jurisdictional determination is going to be expiring next month?

...I would have to be reflagged in any event, right?

Response 3.2-4: Refer to Response 3.2-1.

Comment 3.2-5 (Public Hearing, May 10, 2006, Jan Chason, President Forest Ridge Townhouse Condominium): The water run-off, as I said, there is, you know, I am very concerned. It comes down when they do their construction. Make sure there are safeguards. Make sure whatever they do we are protected, not only during construction, but afterwards.

Response 3.2-5: Stormwater drainage from the site during construction is discussed in Section 3.2 of the DEIS and the full size Erosion Control Plan in the rear of the DEIS. Stormwater will be strictly managed to avoid off-site impacts. A key aspect in the maintenance of stormwater quality and the control of soil erosion is the proper sequencing of construction. All structural sediment and erosion control features will be installed prior to grading and earthwork.

Comment 3.2-6 (Letter #2, May 4, 2006, Edward Devine, Rockland County Drainage Agency): Based upon the RCDA's evaluation of available mapping and the information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon our review of the information provided. The review and approvals concerning this matter appear to be within the jurisdiction of the appropriate Town of Clarkstown land use board(s) and municipal departments.

Response 3.2-6: Comment noted.

Comment 3.2-7 (Letter #2, May 4, 2006, Edward Devine, Rockland County Drainage Agency): However, the site appears to be located in close proximity to mapped state wetlands and within mapped federal wetlands. Permits and approvals for the proposed project may be required from the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers. The RCDA recommends that the applicant check with consultants to determine the status of any permits and reviews that may also be required by the aforesaid agencies concerning the proposed project.

Response 3.2-7: Comment noted.

Comment 3.2-8 (Letter #2, May 4, 2006, Edward Devine, Rockland County Drainage Agency): Furthermore, please be advised that the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing. Please direct any questions regarding the RCDA subdivision review requirements of Chapter 846, Rockland County Stream Control Act, to this office. Enclosed is a copy of the RCDA subdivision plat application form. Please forward the enclosed RCDA subdivision application form to the applicant.

Response 3.2-8: Comment noted.

Comment 3.2-9 (Letter #4, May 9, 2006, Dennis Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): P. 1-2 The narrative indicates an infiltration basin to be on a separate lot, while also indicating that there would be a maintenance agreement to allow municipal access for maintenance. This discrepancy should be resolved, the basin should be on a lot to be transferred to the Town in fee.

Response 3.2-9: This issue has been resolved in the 11 Lot Cluster Preferred Alternative. All stormwater maintenance basins and structures are now included on lots 1 and 13, which will be gratuitously dedicated to the Town of Clarkstown for general municipal purposes.

Comment 3.2-10 (Letter #4, May 9, 2006, Dennis Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): DEIS section 1.3.2 indicates the ACOE Jurisdictional Determination was issued June 29, 2001. This will expire June 29, 2006; the wetland should be re-flagged and a new JD secured.

Response 3.2-10: Refer to Response 3.2-1. An updated JD has been secured which is valid until February 2014.

Comment 3.2-11 (Letter #4, May 9, 2006, Dennis Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): NWP #39 requires the creation of compensatory wetlands (NWP39-i), please indicate where this will occur, i.e. constructed wetlands in the infiltration basin or other appropriate methods.

Response 3.2-11: The 11 Lot Cluster Preferred Alternative limits wetland disturbance to 2,500 square feet (0.057 acres), which are less than 0.1 acres. Per Nationwide Permit #39, no wetland mitigation areas are required for areas less than 0.1 acres, thus none are proposed.

Comment 3.2-12 (Letter #6, June 16, 2006, Salvatore Carallo, Commissioner of Planning, County of Rockland, Department of Planning): A review must be completed by the County of Rockland Drainage Agency and any required permits shall be obtained from them.

Response 3.2-12: Comment noted.

Comment 3.2-13 (Letter #6, June 16, 2006, Salvatore Carallo, Commissioner of Planning, County of Rockland, Department of Planning): The Town Engineer must be assured that the overall drainage plan for the property is achievable and will provide adequate stormwater control.

Response 3.2-13: The Stormwater Pollution Prevention Plan has been designed to meet the latest GP requirements, and will be certified by the Town's Director of Environmental Control prior to final subdivision plat approval.

Comment 3.2-14 (Letter #6, June 16, 2006, Salvatore Carallo, Commissioner of Planning, County of Rockland, Department of Planning): The Town and applicant shall enter into a long-term maintenance and access agreement for the stormwater management facilities. This agreement should include a yearly inspection of the stormwater management facilities and a report to the Town ensuring the safety and operation of the facilities. The Town should also ensure that the applicant has the financial ability to maintain these facilities during construction.

This agreement should run with the land and be upheld by future owners of the property or a Homeowners Association.

Response 3.2-14: All stormwater maintenance basins and structures are now included on lots 1 and 13, which will be gratuitously dedicated to the Town of Clarkstown for general municipal purposes. Upon dedication, the stormwater facilities will become the maintenance responsibility of the Town of Clarkstown.

Comment 3.2-15 (Letter #6, June 16, 2006, Salvatore Carallo, Commissioner of Planning, County of Rockland, Department of Planning): There shall be no net increase in run-off upon completion of the proposed project.

Response 3.2-15: In order to meet the NYSDEC GP requirements the SWPPP must demonstrate that there shall be no net increase in run-off upon completion of the proposed project.

Comment 3.2-16 (Letter #6, June 16, 2006, Salvatore Carallo, Commissioner of Planning, County of Rockland, Department of Planning): 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: The subdivision plat set submitted with the 11 Lot Cluster Preferred Alternative includes a full Erosion Control Plan designed to meet the New York State Guidelines for Urban Erosion and Sediment Control.

Comment 3.2-17 (Letter #6, June 16, 2006, Salvatore Carallo, Commissioner of Planning, County of Rockland, Department of Planning): The Town should consider requiring the applicant to use low impact development techniques throughout the development of the site such as to mitigate impervious coverage of the site and help maintain run-off water quality and quantity.

Response 3.2-17: Comment noted. These measures shall be considered at the discretion of the Town of Clarkstown Planning Board.

Comment 3.2-18 (Letter #6, June 16, 2006, Salvatore Carallo, Commissioner of Planning, County of Rockland, Department of Planning): 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 on sidewalks and driveway areas. Additionally, islands that could serve as drainage swales should be considered in the cul-de-sac areas.

Response 3.2-18: Comment noted. These measures shall be considered at the discretion of the Town of Clarkstown Planning Board.

Comment 3.2-19 (Letter #6, June 16, 2006, Salvatore Carallo, Commissioner of Planning, County of Rockland, Department of Planning): As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

Response 3.2-19: Comment noted.

Comment 3.2-20 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The Army Corps. of Engineers jurisdiction letter will expire on June 29, 2006, therefore, the Army Corps. of Engineers shall be given the opportunity to review the proposed development and issue another jurisdiction letter. Further, any required permits shall be obtained from them.

Response 3.2-20: Refer to Response 3.2-1 and Response 3.2-11.

Comment 3.2-21 (Letter #10, July 24, 2007, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): Has the ACoE wetland jurisdictional determination expired?

Response 3.2-21: Refer to Response 3.2-1.

Comment 3.2-22 (Letter #12, March 19, 2008, Town of Clarkstown Highway Department): The Clarkstown Highway Department requests a hydrology study to determine impact on "seasonal stream" and down stream capacity. Also, will there be any line of site issues at the intersection of Mountain View Ave. Further comments to be forwarded when construction prints are reviewed.

Response 3.2-22: The 11 Lot Cluster Alternative removes all development from the steep slope areas in closest proximity to the existing seasonal stream, thus reducing impacts to the maximum extent practical.

Comment 3.2-23 (Letter #14, March 28, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control:) Provide an access entrance to the proposed infiltration basin for maintenance.

Response 3.2-23: Based upon the redesign of the 11 Lot Cluster Preferred Alternative, direct access from Road A is available to access the infiltration basin area.

Comment 3.2-24 (Letter #14, March 28, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control:) Add plantings and notes for the infiltration basin.

Response 3.2-24: The Landscape Plan has been amended to include more detail with regard to typical plantings for the infiltration basin. Final specifics as to the Landscape treatment of the infiltration basin shall be at the Planning Board's discretion prior to final subdivision approval.

Comment 3.2-25 (Letter #16, June, 4, 2008, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning): A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

Response 3.2-25: Refer to Response 3.2-1.

Comment 3.2-26 (Letter #16, June 4, 2008, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning): As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

Response 3.2-26: Comment noted.

Comment 3.2-27 (Letter #16, June 4, 2008, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning): Extensive regrading of the site is proposed. To ensure that the wetlands and other lands not to be regraded are protected, clearing limit lines must be shown on the map, and flags placed in the field prior to the commencement of construction.

Response 3.2-27: Clearing limit lines shall be shown on the map, and flags placed in the field prior to the commencement of construction.

Comment 3.2-28 (Letter #16, June 4, 2008, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning): There shall be no net increase in stormwater runoff from the site.

Response 3.2-28: In order to meet the NYSDEC GP-0-10-001 requirements the SWPPP must demonstrate that there shall be no net increase in run-off upon completion of the proposed project.

Comment 3.2-29 (Letter #16, June 4, 2008, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning): 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 3.2-29: The subdivision plat set submitted with the 11 Lot Cluster Preferred Alternative includes a full Erosion Control Plan designed to meet the New York State Guidelines for Urban Erosion and Sediment Control.

Comment 3.2-30 (Letter #18, June 25, 2008, Mr. & Mrs. Craig Reynolds): The runoff issues will continue to be a problem, especially in the winter when this avenue is always covered in ice from the excess runoff. Mountain View Avenue is not adequately plowed or salted during the winter months. We have enough safety, resource, and environmental concerns as it is on Mountain View Avenue. We do not need to add more to the equation.

Response 3.2-30: The proposed Stormwater Management Plan including the proposed infiltration basin has been designed to reduce the peak rate and volume of Stormwater flow from the site to pre-construction levels and should serve to reduce the amount of water that would wash across Mountainview Avenue from the Kury Homes site.

Comment 3.2-31 (Public Hearing, June 10, 2009, Jan Chasen, President of the Forest Ridge Condominium): I also caution you, putting them in beds will help the water flow not going down towards us and away from their homes, as well as watching the basins that are going to be there, because the water flow, the way this thing is set up is all going onto one property, and it could eventually be us.

Response 3.2-31: As designed, the 11 Lot Cluster Preferred Alternative provides swales along the rear of all the single family homes which border the southern property line, which are designed to direct the water to the west and parallel to the water line. In addition the significant landscape buffer along the southern property boundary will serve to reduce water flow to the south.

Comment 3.2-32 (Public Hearing July 22, 2009, Dennis Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): The plan indicates an infiltration basin. There may not be an adequate groundwater separation due to the proximate wetland. Test pits and infiltration testing are required to verify that the functionality of that type of a system is so close to the wetland area.

Response 3.2-32: A Preliminary Drainage Analysis was initially submitted at the time of application. An updated Drainage Analysis will be provided prior to Preliminary Subdivision approval. A full SWPPP will be submitted for review and approval prior to Final Subdivision Approval

Comment 3.2-33 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 6. There shall be no net increase in stormwater runoff from the site.

Response 3.2-33: In order to meet the NYSDEC GP 01-10 requirements the SWPPP must demonstrate that there shall be no net increase in run-off upon completion of the proposed project.

3.3 BIOLOGICAL RESOURCES COMMENTS AND RESPONSES

Comment 3.3-1 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): So one of the impacts of this particular project is that two separate sections of the same park, Mountainview Park, 70 acres and 15 acres will never be connected, and some of that is unavoidable, because the developer that you are representing bought the land and has a right as a landowner to develop the land, but they thing is we do need to address all the impacts, and on the impacts is, this is a wildlife corridor and we will be cutting it off, and that's for feeding and breeding and everything else that will make it more difficult because it is on of the last undeveloped parcels in that section that joins the two larger parcels together, and the 15 acres does not include the town park that is up there and other undeveloped land that will never be developed, and that totals about 55 acres.

***Response 3.3-1:** The applicant acknowledges that the development of this property for private residences precludes a connection between the unconnected parcels in Mountainview Park to either section of the park. Buffers on the perimeter of the property would be protected as conservation easements and may provide a limited corridor for some species.*

Comment 3.3-2 (Public Hearing, May 10, 2006, Jan Chason, President Forest Ridge Townhouse Condominium): I note the name of out condominium is Forest Ridge, and we would like to make sure that there is forest on the ridge. This condominium has spent \$25,000 in the last year putting in new plantings. We are going to spend more because we wanted to bring the tree line down. Maybe we have to create our own new tree line if this plan goes through.

We are trying to make this a beautiful area and continue that forest. Please help us to keep that there.

We want to keep the kind of environment there with probably the townhouse continuation so it's further back leaving the tree line, keeping the views of maximum trees.

Our sponsor, who is here, gave 15 acres to the natural area. Continue that. Make the next guy do the same thing. I think that's very important, for not only us in that area, as pointed out anyone driving in the area should deserved to keep that.

***Response 3.3-2:** The 11 Lot Cluster Subdivision would leave the wooded land and wetland along Mountainview Avenue undeveloped, except for the area proposed for the access road. There would still be a limited narrow vegetative corridor which would consist of open space on the north side of the Forest Ridge development, and portions of the backyards of the proposed lots on the south side of the proposed access road which may remain undisturbed. However, construction of the project would reduce the width of any corridor that may exist presently. In addition, there are currently 543 trees shown on the Tree Preservation Plan of which 505 trees are located on-site. After grading for roads and residences, 168 trees would remain on-site. As shown on the landscape plan, 144 trees would be planted to provide screening and aesthetic appeal, and will contribute to the continuation of a wooded landscape in this area. After construction there would be 312 trees on site, or approximately 30 trees per acre, well in excess of the 17 trees per acre stipulated in the Town of Clarkstown Tree Preservation Law.*

Comment 3.3-3 (Public Hearing, May 10, 2006, Virginia Livsey, Resident, Mountainview Condominium): My unit actually abuts the parkland that was created when Forest Ridge was created, and I can tell you that there is abundant wildlife back there, and it would be-- there is not many places in Rockland County or in Clarkstown at all that you can see that, and it would be a real shame to destroy that habitat back there, so if you so if you could keep the corridor like Marvin mentioned, that would really be a beautiful thing for Clarkstown and for the area, and not something that is really not around much anymore. Thank you.

Response 3.3-3: See Response 3.3-2.

Comment 3.3-4 (Letter #4, May 9, 2006, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): The individual who performed the vegetation survey and their credentials should be provided in the document.

Response 3.3-4: The vegetation survey was conducted by Steve Marino and Brian Bury, biologists of Tim Miller Associates.

Comment 3.3-5 (Letter #4, May 9, 2006, Dennis M. Letson, P.E. Deputy Director, Town of Clarkstown Department of Environmental Control): The statements regarding erosion controls and stormwater management should be more directly related to the mitigation of biological (flora and fauna) potential impacts.

Response 3.3-5: Without adequate measures incorporated into the Proposed Action to offset potential impacts, the Project would have the potential to increase the volume and velocity of stormwater runoff from the site through land clearing and conversion of existing land forms into impervious surfaces and landscaped areas. If not controlled, these activities may lead to accelerated erosion and sedimentation during construction. Sedimentation of the receiving water bodies would result in decreased light penetration and nutrient enrichment, increased turbidity, increased transport of pollutants that are adsorbed to the sediment particles, shielding of pathogens from disinfection, and clogging of gills and filters in aquatic organisms. In order to reduce stormwater-induced impacts to flora, fauna and their habitats from the project, it is essential that the Applicant design and construct adequate erosion and sediment control practices to mitigate these potential impacts. Accordingly, an Erosion and Sediment Control Plan, that includes detailed construction sequencing, has been included in the SWPPP.

Comment 3.3-6 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): 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: 3.3-6: Clearing limit lines and construction fencing shall be in place prior to any construction equipment being brought onto the site.

Comment 3.3-7 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): 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 impact the existing intermittent streams and wetland areas. Every effort must be made to retain as much of the natural vegetation as possible, and to limit, to the extent feasible, the amount of re-grading and impervious surfaces on the site.

Response: 3.3-7: Comment noted.

Comment 3.3-8 (Letter #6, June 16, 2008, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The County Planning Department applauds the use of shade trees along the proposed roadways of the site. We believe that plantings should be done in groups of threes to ensure that there will be little effect to the overall appearance of a street in the event of a blight affecting a specific species of tree. The Cornell Co-operative Extension should be contacted to ensure that the proposed species are conducive to the environmental constraints of the site.

Response 3.3-8: Final Landscaping details, including a plant list will be provided to the Town of Clarkstown Planning Board for review prior to preliminary subdivision plat approval.

Comment 3.3-9 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The first sentence of page 3.3-6 has a typo with two commas.

Response 3.3-9: Comment noted.

Comment 3.3-10 (Letter #14, March 28, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control): Clearing and Tree Map should include the number of trees to be removed by DBH (diameter at breast height) and percentage within sizes classes i.e. less than 10" DBHY, 10" - 18" DBH, and greater than 18" DBH.

Response 3.3-10: A Tree Preservation Plan for the 11 Lot Cluster Preferred Alternative, in conformance with the requirements of the Town of Clarkstown Tree Preservation Law as noted above, has been prepared and is included in the DEIS Addendum, July 1, 2009.

Comment 3.3-11 (Letter #14, March 28, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control): Increase the quantity of trees and shrubs along the property lines.

Response 3.3-11: A revised Landscape Plan for the 11 Lot Cluster Preferred Alternative, including a solid perimeter of trees has been prepared and is included in the DEIS Addendum, July 1, 2009.

Comment 3.3-12 (Letter #19, July 3, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control): Add more varieties of proposed shrubs and minor trees and increase the number of shrubs.

Response 3.3-12: The revised Landscape Plan for the 11 Lot Cluster Preferred Alternative shall be submitted to the Town of Clarkstown Planning Board for review and approval.

Comment 3.3-13 (Letter #19, July 3, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control): Increase the varieties of oaks and maples for street trees.

Response 3.3-13: Refer to Response 3.3-8 and 3.3-12.

Comment 3.3-14 (Letter #19, July 3, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control): Increase the quantity of trees and shrubs along the property lines.

Response 3.3-14: Refer to Response 3.3-8 and 3.3-12.

Comment 3.3-15 (Letter #19, July 3, 2008, Ronald Haelen, RLA, Environmental Resource Specialist, Town of Clarkstown Department of Environmental Control): Add plantings and notes for the infiltration basin.

Response 3.3-15: Refer to Response 3.3-8 and 3.3-12.

Comment 3.3-16 (Public Hearing, June 25, 2008, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): Also I point out the Town's new Tree Preservation Law will apply to this application, and we are going to be suggesting that revised information come back to TAC and to the Planning Board before the FEIS process begins.

Response 3.3-16: Comment noted. The combination of 168 existing trees to remain on site and the proposed 144 Landscaping new trees, results in 312 trees on site equating to approximately 30 trees per acre which significantly exceeds the 17 trees per acre stipulated in the Town's tree preservation law.

Comment 3.3-17 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): Also-- let's see. The existing pine trees. In looking at the landscape plan, it was kind of hard to tell which of the existing taller pine trees towards the top of the ridge would be preserved or if it's all proposed to be brought down, and if any of the other existing pine trees can be saved. Obviously some of them have to go because of the way the development is going, but there was discrepancies again. The landscape plan showed a straight driveway, and it just needs to be kind of cleaned up for the final.

Response 3.3-17: As a result of construction of the 11 Lot Cluster Preferred Alternative the large pine trees along the eastern boundary of the project site will be contained in the conservation easement and will thus be preserved.

The Landscape Plan shown in the DEIS Addendum had been modified to reflect the correct driveway configuration.

Comment 3.3-18 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers or Mountainview East Phase I): Also I think that given the fact that we have seen a lot of incidents where accidental cutting of trees off-site or trees that were supposed to be preserved have taken place. There should be some special measures put in place to prevent cutting of trees on, say, Forest Ridge's property or other properties, as well as any trees that are-- existing trees in the buffer areas.

Response 3.3-18: A construction limit line will be clearly marked in the field prior to any earthwork being conducted.

Comment 3.3-19 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): In the front of the development there are a lot of invasive species that have taken place, and there wasn't really any notes in the DEIS if anything is being done. Obviously, I guess, just for selling the property there will probably be some enhancements.

Response 3.3-19: Minor improvements to the naturalistic setting along Mountainview Avenue will take place related to the installation of the entrance and the access road. However, the Applicant has committed to retaining the natural character of the existing setting along Mountainview Avenue, thus only those improvements necessary will be made.

Comment 3.3-20 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): Extensive regrading of the site is proposed. To ensure that the wetlands and other lands not to be regraded are protected, clearing limit lines must be shown on the map, and flags placed in the field prior to the commencement of construction.

Response 3.3-20: Clearing limit lines will be shown on the subdivision plat prior to preliminary subdivision approval. Clearing limits shall be prominently marked in the field prior to any construction taking place.

3.4 AESTHETIC (VISUAL) RESOURCES COMMENTS AND RESPONSES

Comment 3.4-1 (Public Hearing, May 10, 2006, George Hoehmann, Member Town of Clarkstown Planning Board): Some of your photo simulations I think are completely inaccurate and misleading. I think when you look at the distance photos, the area arrow that you put in is off. If you look at the photo, the photo that was up there, the site is clearly --- I am referencing here on 3.4-15, you're showing it behind. I don't believe that's accurate. I believe it's adjacent to and would create a sea of homes or a view from anywhere in the town.

I also think you don't indicate when you get closer to the site on Figure 3.4-16, you don't have an arrow indicated, but I think if you did have an arrow indicated, it would point home even further, that it would create a sea of homes on the ridge overlooking the rest of the town.

I want to follow up on 4-17. I think again your arrow is over too far to the left it should be over probably an eighth to a quarter of an inch, and again, you will see from that angle, it will create a view of a sea of homes overlooking the town...

***Response 3.4-1:** Appendix C of this FEIS includes the Visual Figures shown in the DEIS. Figures 3.4-15 and 3.4-16, and Figures 3.4-16 and 3.4-17 are pairs of before and after images showing views towards the project site from the west, first without the proposed development and then with it. Figure 3.4-15 shows the view of the ridge from west of NYS Thruway Exit 12; a portion of Forest Ridge Condominiums is visible to the left of the Park & Ride sign in the photo. The same photo is used in Figure 3.4-16 to simulate the proposed Kury Homes located to the north of Forest Ridge Condominiums. The simulated homes are shown slightly too far to the left in the photo. The project site is adjacent to the northern boundary of the Forest Ridge Condominiums, and therefore the proposed homes should be shown farther to the right, closer to Forest Ridge Condominiums. However, the proposed Kury Homes project does lie between Forest Ridge and Mountainview Estates, and the scale of the proposed project is correct, thus the impact will be similar to that shown in the photos. Figure 3.4-16 shows the existing view of the ridge from the west on NYS Route 59, near Crosfield Avenue. In the following simulation, in Figure 3.4-17, the development should also be shown farther to the right in the photo to indicate its location farther south, adjacent to the Forest Ridge Condominiums. Similarly, based upon the project scale the visual impact will be similar to that shown in the photo.*

Comment 3.4-2 (Public Hearing, May 10, 2006, George Hoehmann, Member Town of Clarkstown Planning Board): I don't have the number in front of me, but having walked the site several times extensively and looking at your views from the condo complexes to the north, at least one of those photos is inaccurate. It's actually too far to the north, and you should indicate that you are taking it over parkland which presents a buffer of trees. That's nowhere indicated within the photo, and it's misleading, because if you actually, you know, were to be over Mountainview and look across, look at what your build-out plan is, you will be looking straight into these houses.

***Response 3.4-2:** As indicated on the Key map to the views (Figure 3.4-1) View 4 (Figure 3.4-6) shows the existing woods on the project site viewed across the parking area in the Mountainview Condominiums, near the northern property line.*

Comment 3.4-3 (Public Hearing, May 10, 2006, George Hoehmann, Member Town of Clarkstown Planning Board): The before and after in photo 3.4-8, those trees are part of the path. That's not Mountainview's property, that is county park property. That's totally inaccurate. You are not indicating that the park is there. It's not a realistic view. You know--

There is town owned property up there with those tall trees, and that's the view that you are presenting, but you are not indicating that's park or town owned property.

Response 3.4-3: Comment noted. The before and after images shown in Figure 3.4-8 are indicated on the Key Map as View 5A and in the Figure as 5S.

Comment 3.4-4 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): (Referring to Figure 3.4-8) It's the former Farian property that was acquired by the Town of Clarkstown as part of its open space program. So this particular photo was taken in the parking area of Mountainview East Phase III, so you are looking at a whole bunch of parkland trees...

This is a tudor style building. When you first come in, all the buildings in the beginning are of a California style, so this is showing that it's at the top of the ridge, and it's showing where the homes are going to be over kind of cater-corner over that way.

Response 3.4-4: Comment noted.

Comment 3.4-5 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): (Referring to photos taken by Mr. Baum) This is the view from Route 59 looking towards Mountainview where the proposed construction is going to take place.

If you see over here is the Forest Ridge development that was put in several years ago, and it begins to impact the mountain which has generally been very green despite a very high population density.

There is a senior citizen home. There is, of course, Forest Ridge that went in there. There is Mountainview Condominiums. There are several other developments that are in there, and the Warren Hills apartments are also there.

When you are looking, this particular view you see from all over the county. You can see it as far away from Suffern, the Ramapo Ridge, Blue Hill Plaza.

What is in this area here is the Mountainview Condominiums, and when it snows, you begin to see the roofs of the Mountainview Condominiums.

They are not visible, because there is a tree buffer in here which is where the proposed development is going to be taking place.

As those trees come down, what is going to happen is, is that this Forest Ridge will continue from the homes, from the Kury Homes development as proposed, then the Mountainview Condominiums begins to open up, and we will see other pictures as we go along here, that show where it is going to open up and what the views would potentially be.

Here is another view. This is taken from Crosfield Boulevard, also in West Nyack. Again another view. It's very clear, you can see these homes here. You see a bit of lawn here, and these are all the trees that would come down, and based on my reading, and perhaps I am incorrect, but there is going to be significant trees taken down, if not almost everything taken down because of the significant regrading of the part of the proposed project.

Response 3.4-5: *As noted in Response 3.4-1, the simulations in Figures 3.4-15 and 3.4-17 showed the 12 Lot Standard development as it would have been viewed from west along the NYS Thruway and NYS Route 59 respectively. In the 12 lot standard plan put forth in the DEIS, existing tree cover was to remain undisturbed only along the property boundaries and in the wetland. In the 11 lot Cluster Preferred Alternative, in addition to the buffers along the north, east, and west property boundaries, a substantial visual buffer would be retained along Mountainview Avenue as a result of the elimination of development along the site frontage, with the exception of the proposed entry road.*

Comment 3.4-6 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board):looking from down below along Mountainview Avenue here, all of this would become much more visible, changing the character of the neighborhood, I believe.

Response 3.4-6: *As a result of the proposed project the view from Mountainview Avenue at its intersection with the new subdivision road will change from a view of woodlands to an entrance road. The 11 Lot Cluster Preferred Alternative Subdivision eliminates the two lots along Mountainview Avenue, and therefore no additional changes will occur to views along the remainder of the site frontage. Additionally, the slight curve in the access road and new trees proposed to line the road will limit views into the interior of the site. The proposed residential development would receive new landscape treatment to create a high-quality residential neighborhood, and the colors of building materials would be selected to blend with the surroundings. As the proposed residential use is a predominate use in the site vicinity area, the changes in views at this location would be compatible with the character of the neighborhood.*

Comment 3.4-7 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): My belief is, that there needs to be a pretty significant retaining wall on this side here, otherwise you will have a steep slope going towards the houses, but the houses are being put relatively close to the property line which is over here. It looks like the houses really do go down pretty well as part of the impact, part of the impact that the people from Forest Ridge would see.

Response 3.4-7: *In the 11 Lot Cluster Preferred Alternative Plan, retaining walls are proposed to the east of the detention pond. These walls will be screened by the Landscape buffer shown on the Landscape Plan between the detention pond and the house on lot 2.*

Comment 3.4-8 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): ... Now, in this particular picture I referred to earlier, figure 4.3-4 it shows again what I would have to admit looks like a relatively minimal type of impact on Mountainview Avenue, but if you look at this picture and imagine these trees cut down, you see a massive development at Forest Ridge Townhomes, an existing condition that is there.

Now just moving a few feet around, this is still on Mountainview Avenue. You see the mailbox from the original homes that were in this location. Suddenly you will see this massive development here. So when we see only a couple of homes there and lots of trees around it, it does not to me appear to represent what the actual condition is. That's what my colleague member Hoehmann was talking about. It does seem to be much more significant.

***Response 3.4-8:** Figure 4.3-4 provides a view of the proposed houses in a photo of the frontage along Mountainview Avenue to demonstrate the scale, style, and setbacks proposed for development in the DEIS. For the 11-Lot Cluster Subdivision, the house lots shown in the simulation would not be developed. New plantings around the proposed homes would be provided and would further separate and screen between them, and buffers on the perimeter would be preserved in conservation easements, to protect privacy and avoid the impression that the two developments are merged.*

Comment 3.4-9 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): (Referring to photos taken by himself.) ... I want to show this. This is from Forest Ridge Drive at night, and you see a couple of lights shining through here. That is from Mountainview. As these trees come down, you will begin to see going out to Mountainview Avenue and Forest Ridge, you will see lights from each of the developments back and forth.

The concern, and this is one of the things I want to see addressed, is that if this becomes all one big development, Forest Ridge, Kury Homes and Mountainview, it's going to have a dramatic impact on the neighborhood as well as the viewshed.

***Response 3.4-9:** See Response 3.4-8.*

Comment 3.4-10 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): ...Here is Forest Ridge. Yes, there is an entrance to Forest Ridge and you can see lots of homes that are in there, but basically even in the wintertime, there is a pretty thick cover that was left in front of the Forest Ridge Development, and in fact the developer of this particular property had donated 15 acres, approximately, of land to the county as part of this development, working with the Board here, and as a result there is new parkland, an opportunity to add a hiking trail through the area, so again, there is protection from the road. It helped to preserve the character of the area.

I think some things could have been done better on the viewshed areas on that project, but that's why it becomes that much more important that similar things don't happen in the future.

Warren Hills Apartments and the Tappan Zee Manor are all set back significantly. Even Mountainview, which is huge development, is set back from the road and is in a little bit of a dip in the mountain, so from the Hudson River, from the Ramapo Ridge, from the county in general, from Crosfield Boulevard you don't see it except in the wintertime when you have the roof covered with snow.

***Response 3.4-10:** The 11-Lot Cluster Subdivision provides a substantial buffer along the site frontage on Mountainview Avenue as a result of the elimination of two house lots at that location.*

Comment 3.4-11 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): ...You had said earlier that the view would not be impacted based on the prospective. What I did was took a picture right in the heart of the upper portion of the plateau approximately from the area where the cul de sac would be located, and you can see that there is a view out there, once trees start coming down, you are going to have a major impact and it will visible from miles around, that is from Spring Valley, Nanuet, West Nyack, even the Ramapo Ridge.

Response 3.4-11: Views of the proposed development from the south to the east side of the property in the approximate location of the proposed cul de sac the view would be softened or obscured by trees to retained as a buffer along the property boundary. On the west and to the west, the vegetation to be retained along Mountainview Avenue would obscure views into this plateau.

Comment 3.4-12 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): Here is 3.4-15. It shows the Park and Ride sign along the New York State Thruway, and it shows a couple of dots of the Kury Homes, but it appears to be in the wrong location.

The Forest Ridge Development is to the right-hand side partially covered by the Park and Ride sign, if I am reading that correctly, but I do have similar pictures from that location, and I don't know if I have it on the computer here, but I have pictures from that location which show where Forest Ridge is. I think you can only see a fraction of Forest Ridge over here.....

I think it actually would be more over here. Technically it would be in a slightly different location. It would be much closer to the Forest Ridge location....

But Kury Homes would not be in front of Mountainview, it would be to the side of Mountainview. I think it's in the wrong location the way that simulation was done, and that's it for the record. Thank you.

Response 3.4-12: See Response 3.4-1.

Comment 3.4-13 (Public Hearing, May 10, 2006, Mark Manning, Resident, Mountainview Condominiums): My name is Mark Manning, and I live in Mountainview Condominiums, and I would rather not have these built. It would destroy the character of the area, and I would like to have those wetlands preserved because I look over my balcony and it's right over that area. The less up there the better.

Response 3.4-13: The 11 Lot Cluster Plan will preserve the entire wetland area and all the area between the wetland and Mountainview Avenue will be dedicated to the Town of Clarkstown.

Comment 3.4-14 (Public Hearing, May 10, 2006, Jenny Worth, Vice President of Phase III, Mountainview Condominium): How large is the buffer area you will have there to separate us from your property?... What is it going to be at the closest and at the widest? ... Now, if there were going to be 12 condominiums, clusters or townhouses, where exactly would they be placed if they were to be built? The two cul de sacs would be close to your property line. What would be there to help that situation?

Response 3.4-14: *For the currently proposed plan landscape buffers would be provided as shown in FEIS Figure 2 and as follows:*

- *East property line: 10 ft. buffer*
- *North property line 20 foot buffer*
- *North east property line 40 foot buffer*
- *West property line 25 foot buffer*

These buffers would be dedicated to the Town of Clarkstown as conservation easements and would thereby be protected from future removal of vegetation. The proposed east cul de sac would be located at least 10 feet from the property line and the proposed north cul de sac would be located at least 25 feet from the property line.

Comment 3.4-15 (Public Hearing, May 10, 2006, Virginia Livsey, Resident, Mountainview Condominium): I am Virginia Livsey. I live in Mountainview, and I have two points. First of all, it is true that even if you did a more clustered thing like townhouses, it would still probably be visible for miles? But it's one thing to have a clump of townhouses on a mountain as opposed to raising and denuding the whole mountainside, so I come up the Thruway every night west, from the west facing east, and even from Suffern you can see Forest Ridge. In the wintertime you can see Mountainview. In the summertime you can't so if you were to do townhouses or condos there, if you could make the roofs brown as Mountainview is, that would at least be a big help.

Response 3.4-15: *Development of the 11-Lot Subdivision would allow approximately 38 percent of the trees on the site to be retained. As described in Response 3.4-8 above, the design of the residences would employ materials and colors that would blend with the surrounding landscape. Between the houses, new infill landscaping would provide additional screening.*

Comment 3.4-16 (Public Hearing, May 10, 2006, Marvin Baum and Robert Geneslaw, Member Town of Clarkstown Planning Board): At the suggestion of Robert Geneslaw, Mr. Baum agreed to provide the photos that he provided for the hearing along with a narrative describing them.

Response 3.4-16: *The comments and responses provided in this section cover the substantive points made concerning visual impacts including those made by Mr. Baum in his presentation of photos.*

Comment 3.4-17 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): PP 3.4-3. The applicant indicates that the interior of the project site is not visible from the Mountainview condominium development looking south; however, Figure 3.4-8 illustrates that some homes would be partially visible. This should be clarified.

Response 3.4-17: *The description of Views 4 and 5 of the project site provided in the DEIS states that the project site is approximately eight (8) feet beyond the curb at that location and that the interior of the project site is not visible from these vantage points due to dense vegetation along the property boundary at these locations. It is noted that these photos were taken in the fall before of the shrubs and trees within the property had lost all of their leaves, which prevented views into the interior of the site. A revised photo simulation of this area is provided in FEIS Figure 7, which shows conditions*

before and after construction of the proposed project. The photo simulation indicates that a house built in this location would be visible in the distance beyond a screen of trees. The proposed emergency access, which has been provided at the Planning Board's request, provides a break in the landscaping screen between the two properties, allowing a view into the Kury Homes site from the southern most units at Mountainview Condominiums.

Comment 3.4-18 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): PP 3.4-3. Views from Forest Ridge Development. Contrary to the applicant's statement, it would appear that the interior of the project site would be visible from the vantage point illustrated on Figure 3.4-9.

Response 3.4-18: *Comment noted. Figure 3.4.9 shows a view of existing conditions from a residence on Forest Ridge Road towards the northeast. Tall trees along the property boundary that would remain undisturbed are shown in this view. The project site would be visible from this vantage point beyond these and new planting of trees and shrubs within the 10 foot buffer on the east of the site, as shown the Landscape Plan.*

Comment 3.4-19 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): Figure 3.4-17. The Planning Board has been particularly interested in protection of long range views of proposed development at or near ridgelines and other higher elevations. View 11 s (several pages following PP 3.4-3) shows a long range view from Route 59 at Crosfield Avenue. The visual impact could be reduced by shifting the homes on lots 1 and 12 to the east to retain more of the natural vegetation (although this would require greater disturbance of somewhat steeper slopes) or through the use of natural materials and colors on the homes, particularly for the western exposure.

Response 3.4-19: *The 11 Lot Cluster Preferred Alternative would leave Lots 1 and 13 along Mountainview Avenue undeveloped, and the natural vegetation would be preserved. Additional screening and camouflage of the site from area roadways, including Route 59 and the NYS Thruway, would be provided by the 54 street trees and 90 perimeter trees proposed for infilling shown on the landscape plan.*

Comment 3.4-20 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): PP 4.4-5. The DEIS notes that the Town's subdivision regulations allow the Architecture & Landscape Commission to require the planting of new trees, which can help to soften the appearance of the subdivision. This function could also be handled by the Planning Board as part of visual impact mitigations. We recommend that the Board request the applicant prepare a map showing existing trees on the site with a caliper of 8 inches or more, indicating species, size, condition, and ability to adapt to construction activities. This can serve to help establish locations of homes, driveways and other features and areas acceptable for grading. Proposed landscaping should be shown to reduce visual impact.

Response 3.4-20: *The applicant has submitted a tree plan and landscaping plan for the 11 lot Cluster Subdivision. There are a total of 505 existing trees on-site. After grading for the access road and residences, 168 trees will remain on-site. In addition, as shown on the landscape plan, 144 trees will be planted on-site for screening and aesthetic appeal, resulting in total of 312 trees, or approximately 30 trees per acre, after project completion. This is well in excess of the 17 trees per acre required in the Town of Clarkstown Tree Preservation Law.*

Comment 3.4-21 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The DEIS should include mitigation measures for those areas affected by the proposed development in regards to the viewshed, such as requiring the use of natural tones, textures and materials that complement the environment.

Response 3.4-21: As discussed these measures are proposed to be implemented by the applicant.

Comment 3.4-22 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): Figure 3.4-19 and 3.4-20 incorrectly state 1-84 exit 14.

Response 3.4-22: Comment noted. The correct reference should be I-87 or the NYS Thruway at Exit 14.

Comment 3.4-23 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): Page 3.4-5 refers to Figure 3.4-22, however this figure is not included in the DEIS.

Response 3.4-23: Comment noted.

Comment 3.4-24 (Letter #16, June 4, 2008, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning): Since the proposed project is across from Mountainview Nature Park and in close proximity to the Long Path regional hiking trail, it may be visible from hiking trails or vantage points within the park or from the Long Path itself. Every effort should be made to have the proposed building blend in with the natural environment by using natural tones, textures and materials that complement the surrounding.

Response 3.4-24: The design and detail in of residences in the proposed plan will use natural tones and materials to integrate them with the natural surroundings.

Comment 3.4-25 (Letter #21, June 9, 2009, & Public Hearing July 22, 2009, Mr. & Mrs. M. Francis): This was such a beautiful area, and we strongly urge that you protect what's left of it.

Response 3.4-25: The applicant has worked long and hard to find a way to develop his property in as sensitive a manner as possible.

Comment 3.4-26 (Public Hearing, June 25, 2008, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control): One of the issues that was raised by the Board was the visual appearance from Mountainview Avenue,...

Response 3.4-26: Refer to Response 3.4-19.

Comment 3.4-27 (Public Hearing, June 25, 2008, Jose Simoes, Town Planner, Town of Clarkstown): The site plan shows stone walls that are indicated as existing, but I would think appear to be proposed, and the height of those stone walls should be indicated on the plan.

Response 3.4-27: As shown on Drawing Number 2, the Subdivision Grading Plan, the referenced stone retaining walls are indeed proposed, not existing. The anticipated heights can be determined by comparing the base and top elevations of the walls as shown on Drawing Number 2.

Comment 3.4-28 (Public Hearing, June 25, 2008, Jose Simoes, Town Planner, Town of Clarkstown): The Planning Board should consider the size of the proposed homes in relation to those reduced lots, especially in regards to the visual impact of these residences.

Response 3.4-28: The Applicant has proposed a lot specific FAR Bulk designation to allow him to build a comparable home to the standard plan on the smaller lots, while protecting the Town from over development on the larger lots. This proposal has been accepted by the Planning Board.

Comment 3.4-29 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): There are some discrepancies within the DEIS. For instance, the wall issue which was raised earlier by Mr. Simoes, I questioned when I looked at the maps in the Planning Office and that did seem to be a problem, and not knowing the exact height of those walls and how it will appear is, I think, very critical to, you know, how it's going to look as people are coming on Mountainview Avenue and the Forest Ridge development, so some indication, maybe a visual simulation.

That was one of the other things. There were a lot of problems with the original simulation with discrepancies, so if that could be redone and revisited with the new cluster approach if that's what the Board chooses to direct the applicant to move forward with, it would be extremely helpful, and particularly since there are some issues about the size of the homes, if we can get a picture of what it's going to look like.

Response 3.4-29: The DEIS Addendum included representative homes on similarly sized lots for illustration purposes.

Comment 3.4-30 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): And the other issue which was a concern relative to the simulation is, we don't know exactly where the Forest Ridge, where the Forest Ridge property ends and where their property begins and where the trees are from Forest Ridge, what screening will continue to exist.

Response 3.4-30: The Pine tree stand along the eastern property boundary will remain intact within the proposed conservation easement.

Comment 3.4-31 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): I think we would also like to see a little bit more in the way of evergreens. I understand that the developer does want to take advantage of some of the views from that vantage point. I think it might be a creative way of placement of some more evergreen trees along the southern side of the property, that could really help, so maybe like there is a landscape buffer on Mountainview Condominium side, to have more of a landscape buffer on this side, again trying to have the views that the developer would like to have, but in areas of the property where the views are not critical, to build up the evergreen base of trees that will help to provide year-round screening because the site really is very visible from a pretty wide swath of Clarkstown and even beyond.

Response 3.4-31: The revised Landscape Plan includes additional evergreen plantings. the Applicant will continue to work with the Town of Clarkstown Planning Board until they are satisfied prior to final subdivision plan approval.

Comment 3.4-32 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): There had been talk previously and recommendations I think from the county as well, that the homes be of earth tone colors to try to blend in with the environment, and I want to reiterate the importance that we attach to help mitigate the impact, and that would be both the roof and the home itself, and the kind of materials that are being used.

Response 3.4-32: Comment noted. The Applicant has committed to the use of earthtone exterior building materials.

Comment 3.4-33 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): I mentioned already a little bit the existing view. Aside from the simulations, it's also not accurate, and it also said there was no visibility from my hiking trail. In fact, there is a train marker crossing the road from Mountainview County Park right at that point where you will be looking at these new homes going in, and that was not identified correctly in the DEIS and there is a view from there, and the signs were put up because people do cross Mountainview Avenue going from one part of Mountainview Nature Park to the other part, and in fact there was a connector that was put in by the County to long path trail as part of the Forest Ridge subdivision some years ago.

Response 3.4-33: Refer to Response 3.4-34.

Comment 3.4-34 (Public Hearing, June 25, 2008, Marvin Baum, 550 Sierra Vista Lane, Board of Managers of Mountainview East Phase I): There was a statement there was no viewshed impact of the proposed development and it's not true. Then the best circumstances with a variety of additional changes as I have suggested, there will be a viewshed impact, and that should be reflected the FEIS, I believe.

Response 3.4-34: Comment noted. The project will be visible from certain points of view. The Applicant has proposed significant landscaping, conservation easement areas, earthtone building materials and removal of development from along Mountain View Avenue to reduce these impacts as far as practicable.

In evaluating viewshed impacts, there are both long views and close-up views considered in the DEIS. A comparison of DEIS Figure 3.4-4 and DEIS Addendum Figure 4-10, included herein as Appendix C for convenience, shows the significant difference in the close-up view from Mountainview Avenue as a result of development of the 11 lot Cluster Preferred Alternative which eliminated all development from lots 1 and 13.

As stated above, the project will be visible from certain more distant points of view, particularly the long views from NYS Route 59 and I-87 looking eastbound. In evaluating the long view, as shown on DEIS Figure 3.4-13, included herein as Appendix C for convenience, there is significant development in the intervening landscape between NYS Route 59 and I-87, and the project site. A comparison of DEIS Figure 3.4-16 and Figure 3.4-17 illustrates the visual impact of the proposed Kury Homes from this viewpoint. Although this project will be visible, it will not be inconsistent with the surrounding land use or the intervening development. Based upon the photos which have already been prepared no further graphic analysis is warranted.

Comment 3.4-35 (Public Hearing, June 25, 2008, Yvette McCarthy, 256 Mountainview Avenue): ...tearing down of trees. I will be driving down Mountainview, and all of a sudden I say oh, my God, there was a row of trees there that was there last week, I didn't know anything about that.

Response 3.4-35: *The 11 Lot Cluster Preferred Alternative has removed all development from lots 1 and 13, located along Mountainview Avenue, with the exception of the entrance Road. the visual character of this area will remain very similar to existing conditions.*

Comment 3.4-36 (Public Hearing, June 25, 2008, Kathleen McCleary, 208 Mountainview Avenue): So my only other comment is that, just to be cognizant for the builder as far as making sure that environmentally it is pleasing to look at and that we are not going to be looking at houses, especially in the wintertime if there is going to be a loss of trees and so forth, so there should be consideration to the design of the landscape in terms of privacy for that area and also to the road too.

Response 3.4-36: *Refer to Response 3.4-35*

Comment 3.4-37 (Public Hearing, June 25, 2008, Gail Ippolito, 208 Mountainview Avenue): One other question that may have been answered, but as far as how far back from the road, if there are going to try to keep a lot of foliage, the trees, because 208 Mountainview on that cul de sac, it's all woods when you look opposite out of our house. The whole front is woods, so I don't know if they are going to maintain -- I guess there has to be a certain amount of frontage of trees that have to exist, so we won't see that whole site.

I mean, I think it may be a positive, you know, thing to build these homes too in that area, but of course we also want some of the trees maintained and to look pretty when we look out the window and not see all homes, so I don't know how far the frontage, how far back they are going to build.

Response 3.4-37: *Refer to Response 3.4-35.*

Comment 3.4-38 (Public Hearing, June 10, 2009, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown and Marvin Baum, Member Town of Clarkstown Planning Board, 550 Sierra Vista Lane - letter was sent to the public hearing and Jose Simoes read the letter out loud): Well, no specific comments with respect to the FAR as shown on the drawing, but I had the opportunity to read the recent communication from Mr. Baum in which he pointed out that there are claims that there is a row of large evergreens on the easterly end of the project which helped to protect the view from below, and he used the examples of the homes in Pomona that we can all see from the Palisades Parkway is something that would be desirable not to see.

The trees are not shown in any of these maps. They may be shown in some of the earlier ones because the project has been before the Board for quite a long time, but I would suggest as part of the review process the Board take a look at the location of those trees and if necessary, modify the front yards of lots seven and eight so the homes can be closer to the street and to leave more room to the rear which will be to the east and the south in order to keep the forested buffer along the ridge.

.... The plan shows a 20 foot landscape buffer. Has anybody looked at those trees carefully enough to know whether a 20 foot buffer will be enough to protect them?

Response 3.4-38: *The Applicant has provided a Tree Preservation Plan in the DEIS Addendum. The Tree Preservation Plan indicates the large pine trees along the rear of the property are contained in the Conservation Easement along the eastern boundary, thus this stand of pine trees will be preserved in it's entirety.*

The referenced project, which can be seen driving northbound on the Palisades Parkway, is significantly larger than the 11 lots proposed at Kury Homes. It is also under construction, thus vegetation has been removed and any new plantings have yet to be installed, thus this represents the maximum visual impact.

This is a similar view which can be seen driving westbound over the Tappan Zee Bridge of an area that has had the benefit of years of growth and in-fill from the landscaping, which serve to mitigate the visual impacts of development.

The Kury Homes project has proposed an extensive amount of landscaping designed to provide in-fill from the vegetation as it matures.. In addition the roofs and exteriors at Kury Homes will be of earth tone materials designed to further reduce visual impacts.

Comment 3.4-39 (Public Hearing, June 10, 2009, Jose Simoes, Town Planner, Town of Clarkstown): Just to add to the discussion on the pine trees, I had checked previous plans and found that Andy had identified 13 pine trees in a tree location plan. Eventually we are going to need a tree preservation plan, depending on the layout of the subdivision, and that will show how they are going to protect those trees during construction, and if you look at the second sheet that you have before you, the Planning Board, the plan, in comparison to the areas, you see how most of the-- most of those pines are in the corner where there is not grading, and perhaps additional buffer can be supplied there so that there is not an impact to those pine trees.

***Response 3.4-39:** The Applicant has provided a Tree Preservation Plan in the DEIS Addendum. The Tree Preservation Plan indicates the large pine trees along the rear of the property are contained in the Conservation Easement along the eastern boundary, thus this stand of pine trees will be preserved in it's entirety.*

Comment 3.4-40 (Public Hearing, June 10, 2009, Marvin Baum, Member Town of Clarkstown Planning Board, 550 Sierra Vista Lane - letter was sent to the public hearing and Jose Simoes read the letter out loud): My main ongoing concern relates to viewshed impacts, as this project will be removing a large number of trees from the property, which can be seen from miles around.

The removal of these trees will also open up the Mountainview condominiums to surrounding views, which will greatly impact the appearance of the Palisades ridge and surrounding county parkland, which looks surprisingly undeveloped in its current state.

Of course the residents of the Mountainview Condominiums want to prevent what has happened to the mountain in Pomona, as can be seen from the vicinity on the Palisades Parkway near Exit 13, from happening to our mountain.

I appreciate the fact that the developer has an absolute right to develop this property. The use of earthtone colors on the homes and roofs, as specified in the DEIS, will certainly help, as will the planting of various trees.

However, most of the trees planned on the south-facing side of the property and lining the street are deciduous trees, which will lose their leaves in the fall.

I understand that the developer wants to maintain relatively open views from the homes on the south side of the street, but I think that strategically adding some tall-growing evergreen trees, perhaps near property lines, in addition to those trees already planned, would not impact the views from the homes and would help to soften the visual impact year-round.

Overall, the addition of some pine trees throughout the property, not just along the border with the condominiums, in addition to those deciduous and evergreen trees already planned, would be beneficial.

***Response 3.4-40:** The revised Landscape plan shows the addition of evergreen trees along the southern property boundary.*

Comment 3.4-41 (Public Hearing, June 10, 2009, Peter Streitman, Member Town of Clarkstown Planning Board): Okay. The last question I guess is, the site is able to be viewed basically from where, on the Thruway maybe up high when you are up on the Palisades, is that the only area?

Response 3.4-41: *The Applicant prepared the aerial shown in Appendix C, which shows the different views that we had looked at.*

The whiteness of the Forest Ridge development is visible, there is also an angle from the bridge where 9W goes over 287 where the Kury Homes site will be visible. An exceptionally long view, from beyond Costco was also taken in which the Kury Homes site is barely visible.

The one place that there is a view of the Kury Homes Site, as you are driving eastbound on the Thruway at about Exit 13, and eastbound on NYS Route 59 at Crosfield Avenue, you can see the hillside, Mountainview Condominiums is there, Forest Ridge is there, with the Kury Homes Site located in between. Mountainview Condominiums is less visible because they are all darker houses, whereas the whiteness of Forest Ridge is more clearly seen. Although Forest Ridge is a very pretty development when you are in there because of the white, they clear-cut their site and the buildings are all white, making it a more visible development. As shown on the Landscape Plan, Drawing L-1, the Kury Homes Applicant has committed to significant landscaping in fill between the houses and the use of earthtone exterior materials to minimize the visual impacts as much as possible.

Comment 3.4-42 (Public Hearing, June 10, 2009, Christopher Carey, Member Town of Clarkstown Planning Board): I have one clarification going back to Mr. Baum's letter. He talked about siting. These are deciduous trees on the ridge line or where the views are. Did I understand correctly that you are going to take his recommendations and put pine trees on that by seven and eight on that side and on the property lines, or are you taking it under advisement?

... If I understood what he is saying, that is on one side. The other side he was looking for, if I am reading it correctly, where you currently have deciduous. If I read his recommendation, he would like to see you change out some of the those deciduous to evergreen trees so that in the fall, when they drop their leaves, there will be some screening and you will break up that exposed view, so rather it being a recommendation to you, are you at a point where you are committing to do that?

Response 3.4-42: *The revised Landscape Plan included in the DEIS Addendum shows additional evergreen trees in the Conservation Easement areas. The Applicant will continue to work with the Town of Clarkstown Planning Board until they are satisfied prior to final subdivision plat approval.*

Comment 3.4-43 (Public Hearing, June 10, 2009, Daniel Kraushaar, Deputy Town Attorney): Can I try to crystalize the issue? This is all part of the SEQRA process, and this can be characterized as identifying an issue which needs to be ameliorated through the SEQRA process, so it's been identified as a problem and now something has to be offered to mitigate the problem.

The issue that I am hearing is, that the screening utilizing just deciduous trees will not act as a screen when those leaves fall, so something is going to have to be developed to mitigate that issue.

Response 3.4-43: *The revised Landscape Plan included in the DEIS Addendum shows additional evergreen trees in the Conservation Easement areas. The Applicant will continue to work with the Town of Clarks town Planning Board until they are satisfied prior to final subdivision plan approval.*

Comment 3.4-44 (Public Hearing, June 10, 2009, Jan Chasen, President of the Forest Ridge Condominium): First of all, south of us is a 50 foot buffer. Now all of a sudden you are putting, or they are requesting only a 10 foot buffer, so we question that depth and whether that is satisfactory, and what happens to the tree lines that are below that property when they start doing their work, because we have invested a lot in maintaining that landscape, and we would like to make sure that he has enough property for a lot of trees and we salvage our trees.

We also questioned the fact that the evergreens, very important so that we have that sense of privacy for both sides, as well as people coming up. You know, it doesn't only have to be from the Tappan Zee Bridge you are viewing, you are viewing it from the town, and the tree lines will be very important.

I want to repeat the depth of that area should be considered as 10 feet satisfactory. Also, when they plant the trees, they put them in-- they can raise them up so that water coming down that hill, if you look at the water flow here, they are going from one property to another property to another property. I don't know where the basins are, maybe early in the process, but it seems like it's all going to end up in Forest Ridge.

.... We understand when a developer comes in he takes out, and there is some question whether there is dead and everything else. All we are asking is that a buffer be more than 10 foot, especially with a zone plan.

On the one side he has 20 and on another one 25. Why between us there is only 10? So we are suggesting in some way or another we be accommodated with a thicker buffer zone, and that it be evergreen and not be the other.

Response 3.4-44: *In construction of the Forest Ridge Condominium clearing and grading occurred right up to the property line. The Kury Homes Applicant is proposing a 10 foot conservation easement along the southern property boundary, which will be extensively landscaped. Should the Forest Ridge Development require additional screening, consideration should be given to provision of a matching conservation easement along their property boundary with placement of additional landscaping by Forest Ridge on their property. The Applicant has offered to work with Forest Ridge to assist in the installation of any landscaping they wish to provide in this area.*

Comment 3.4-45 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): We understand the applicant was to provide visual impact information illustrating views of the proposed development from several off-site locations. We found only a view of the entry road with stone walls.

Response 3.4-45: *In evaluating viewshed impacts, there are both long views and close-up views considered in the DEIS. A comparison of DEIS Figure 3.4-4 and DEIS Addendum Figure 4-10, included herein as Appendix C for convenience, shows the significant difference in the close-up view from Mountainview Avenue as a result of elimination of development from lots 1 and 13.*

As stated above, the project will be visible from certain more distant points of view, particularly the long views from NYS Route 59 and I-87 looking eastbound. In evaluating the long view, as shown on DEIS Figure 3.4-13, included herein as Appendix C for convenience, there is significant development in the intervening landscape between NYS Route 59 and I-87, and the project site. A comparison of DEIS Figure 3.4-16 and Figure 3.4-17 illustrates the visual impact of the proposed Kury Homes from this viewpoint. Although this project will be visible, it will not be inconsistent with the surrounding land use or the intervening development. Based upon the photos which have already been prepared no further graphic analysis is warranted.

In addition, as shown on the Landscape Plan, Drawing L-1, a 25 foot wide landscape buffer that will be deed restricted as a conservation easement has been included on the subdivision plat along the northern property boundary. The landscape plan shows a wall of evergreen trees which will effectively screen the Kury Homes development from Mountainview Condominiums.

3.5 CONSTRUCTION-RELATED EFFECTS COMMENTS AND RESPONSES

Comment 3.5-1 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): There is a lot of hammering potentially to move this stuff around?...

...Because further down Mountainview Avenue there are new developments, new homes and Mountainview North and South, and we had one of the neighbors from Mountainview North and South come in as well as other people in the neighborhood, including myself, hearing for at least six months, Saturdays, Sundays, weekdays, late, early drilling, the banging, banging, constantly banging.

I thought it was coming from Tilcon and I was mistaken, it was coming from these other developments, and the neighbors were complaining they were having cracks in the walls and things falling down, and even I believe the gentleman said his wife was hit in the head with something.

I know you can deal with that, but again, when we evaluate the entire thing. We have to look at what are the environmental impacts going to be.

***Response 3.5-1:** It is anticipated that nearby properties would experience temporary elevated noise levels at occasional periods during the 18 month to 24 month construction period. This is a temporary, construction-related, unavoidable impact. Measures to mitigate the potential noise impacts on neighbors of the proposed development are described in Section 3.5 of the DEIS. These mitigation measures conform to the regulations on noise in the Town of Clarkstown Code and include limiting the hours and days of construction activity and ensuring the proper maintenance of any construction vehicles in order to minimize noise.*

Comment 3.5-2 (Public Hearing, May 10, 2006, Mark Manning, Resident, Mountainview Condominiums): We have the mosque that is going on the top. We have condos being built in the north section, and you hear that construction all the time going on for months now, and it's enough.

***Response 3.5-2:** See Response 3.5-1. The Mosque is complete and no longer under construction.*

Comment 3.5-3 (Public Hearing, May 10, 2006, Jan Chason, President Forest Ridge Townhouse Condominium): I heard concerns here about not only the buffer, I heard about blasting. We are entitled to have quiet enjoyment of our area. Please watch that for us.

***Response 3.5-3:** No blasting is anticipated to be required for the construction of the proposed development. If blasting were required, it would be conducted according to all Town of Clarkstown Code regulations governing the methods and permissible times for blasting within the Town.*

Comment 3.5-4 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): PP 3.5-7. The section on proposed noise mitigation measures describes four situations that are completely irrelevant to the subsection title and concludes that "no other mitigation measures are proposed." This section proposes no mitigation measures relevant to the applicant's project.

Response 3.5-4: Section 3.5 of the DEIS describes compliance with the noise regulations of the Town of Clarkstown Code as mitigation measures because the applicant would conform to all of the limitations on construction activity that they represent if necessary. No other mitigation measures are proposed.

Comment 3.5-5 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): As stated above in Traffic and Transportation, the DEIS does not state the proposed total number of construction vehicles that will be utilizing the local and county highways. The size of truck that will be used will determine the number of trucks expected to travel these roadways within the construction period. Given the size of this proposed 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 such as asthma, heart attacks, chronic bronchitis, and premature death. These types of vehicles are currently required to be used in New York City.

Response 3.5-5: Based upon an estimated 16,480 cubic yards of fill necessary, and the assumption that 28 ton tri axle trucks are utilized, an average of approximately 6 trucks daily shall be required during the period where the site work is being conducted, typically during the first 6 months of construction. The construction manager shall inspect equipment for clean diesel-fuel trucks and truck and equipment with particulate traps which shall be used as far as practical in conducting site work activities.

Comment 3.5-6 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): Use of construction equipment and trucks shall be limited or avoided on designated ozone action days.

Response 3.5-6: Comment noted.

Comment 3.5-7 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): There shall be "no idling" signs posted to instruct construction and delivery professionals to turn off their vehicle engines while not in use or while making deliveries at the site. This is a requirement of the Rockland County Sanitary Code Section 12.12.1.2 which is paraphrased here: "No person who owns, operates or leases a motor vehicle propelled by an internal combustion engine, except for a marine internal combustion engine shall operate, allow, or permit the internal combustion engine of such motor vehicle to idle for more than three (3) consecutive minutes when the motor vehicle is not in motion."

Response 3.5-7: Comment noted, the above noted stipulations shall be adhered to during construction.

Comment 3.5-8 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The Town should consider requiring the applicant to spray trucks with water prior to leaving the site to reduce the amount of soil particles that may travel in the air and that may travel onto the County road system.

***Response 3.5-8:** Measures to control fugitive dust listed on the erosion and control plan include the spraying of trucks on an as needed basis prior to leaving the construction site.*

Comment 3.5-9 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): All construction activity shall adhere to the noise and odor requirements of the Town of Clarkstown Code.'

***Response 3.5-9:** Comment noted. The Applicant intends to adhere to all applicable local, state and federal requirements and regulations in construction of the proposed project.*

3.6 COMMUNITY FACILITIES AND SERVICES COMMENTS AND RESPONSES

Comment 3.6-1 (Public Hearing, May 10, 2006, George Hoehmann, Member, Town of Clarkstown Planning Board): I just have a couple of comments. The comment that she only expected 10 children in the 12 houses, I don't think is accurate. How did you get that figure?

So you are saying we will have these brand new houses, 12 of them if the plan was approved, and there will only be 10 kids, two of the houses have no kids?

***Response 3.6-1:** The estimate of the number of school age children in the DEIS was calculated according to the Regional and National Demographic Multipliers for Common Configurations of Standard Housing Types for School -Age Children -- by housing type and number of bedrooms developed by the Urban Land Institute. Twelve single-family homes priced over \$329,500, would have a multiplier of 1.05 school age student per house. This means that some homes may have only preschool age children, or college students. Some may have no children, Some may have 2-4 students, but on average at any one time the multiplier is 1.05 students per home.*

Updated multipliers from the Rutgers University Center for Urban Policy Research (CUPR) indicate a population of 4.23 persons per 5 bedroom detached single family house valued at more than \$748,000. Thus the 11 lot Cluster Preferred Alternative may have up to 47 persons. If a typical family had two primary adults in 11 houses this would equal 22 persons, in combination with up to 17 school age children, would total 39 persons. The remaining population might be made up of preschool children, college age students, young adults who still live home, care takers, elderly parents etc.

Comment 3.6-2 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): PP 1-12. The paragraph relating to Fire indicates that the Central Nyack Fire Department serves a population of about 82,082, and establishes a personnel to population ratio. The population figure refers to the entire Town; this figure and the analysis should be revised.

***Response 3.6-2:** Comment noted. The service population of the Central Nyack Fire Department is approximately 10,000 persons, thus the ratio of fire personnel to population is one fire personnel per hundred population. This significantly exceeds the ULI standard of 1.65 personnel per 1,000 population. The addition of approximately 44 persons to the population is not seen to have a significant impact on the ability of the Nyack Fire Department to provide Fire Protection Services.*

Comment 3.6-3 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): No response times have been listed for police, fire and ambulance. In order to determine sufficient coverage by these services these times are necessary.

***Response 3.6-3:** Based upon the distance of the subject site from the referenced facilities, response times are expected to vary from three to eight minutes depending upon coverage at the time of an emergency.*

As stated on page 3.6-1 of the DEIS, according to the Police Chief, typical response time to the Kury Homes site would be approximately 4 minutes. The project site is

served by the Central Nyack Fire Department, located less than 1 mile from the project site. Fire protection response time is estimated to be 3 to 5 minutes. The project site is served by the Nyack Volunteer Ambulance Corp., located approximately 1.5 miles from the project site. Ambulance response time is estimated to be approximately 5 to 8 minutes.

Comment 3.6-4 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The DEIS states that there will be ten school age children living within the proposed development. With twelve four-bedroom dwelling proposed, we believe that this number is low and feel that the DEIS should reevaluate the potential number of school age children that could live within the development.

***Response 3.6-4:** Updated multipliers from the Rutgers University Center for Urban Policy Research (CUPR) indicate a population of 1.47 students per 5 bedroom detached single family house valued at more than \$748,000. Thus the 11 lot Cluster Preferred Alternative may have up to 17 students.*

Comment 3.6-5 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The Schools analysis and the Fiscal analysis of the DEIS seem to be in conflict with each other. The Schools analysis estimates 10 students for twelve homes while the Fiscal analysis estimates a total of 44 people residing in the twelve proposed dwellings. Given a typical family with two adults and the estimated 10 students, there are 10 people not accounted for in these analyses.

***Response 3.6-5:** Updated multipliers from the Rutgers University Center for Urban Policy Research (CUPR) indicate a population of 4.23 persons per 5 bedroom detached single family house valued at more than \$748,000. Thus the 11 lot Cluster Preferred Alternative may have up to 47 persons. If a typical family had two primary adults in 11 houses this would equal 22 persons, in combination with up to 17 school age children, would total 39 persons. The remaining population might be made up of preschool children, college age students, young adults who still live home, care takers, elderly parents etc.*

Comment 3.6-6 (Letter #8, July 2, 2007, Mark Papenmeyer, Chief Fire Safety Inspector, Town of Clarkstown): Show existing fire hydrant on site plan within 1,000 feet of site.

***Response 3.6-6:** The current plan for the 11 Lot Cluster Subdivision shows the existing fire hydrant on subdivision plat within 1,000 feet of site.*

Comment 3.6-7 (Letter #8, July 2, 2007, and Letter #11, August 8, 2007, Mark Papenmeyer, Chief Fire Safety Inspector, Town of Clarkstown): Show proposed new fire hydrants locations.

***Response 3.6-7:** Proposed new fire hydrant locations will be shown on the subdivision plat prior to final subdivision approval.*

Comment 3.6-8 (Letter #8, July 2, 2007, Mark Papenmeyer, Chief Fire Safety Inspector, Town of Clarkstown): Provide fire flow calculations.

***Response 3.6-8:** Fire flow calculations have been provided by the project engineer.*

Comment 3.6-9 (Letter #15, May 16, 2008, Mark Papenmeyer, Chief Fire Safety Inspector, Town of Clarkstown): Sliding gate to have sign on each side - No Standing Fire Lane.

Response 3.6-9: A note to this effect shall be included on the subdivision plat prior to final subdivision approval.

Comment 3.6-10 (Letter #15, May 16, 2008, Mark Papenmeyer, Chief Fire Safety Inspector, Town of Clarkstown): Move proposed hydrant on lot line of #9 to west corner of road A & B roadways. Install hydrant as shown on emergency access as shown. Eliminate hydrant at top cul-de-dac.

Response 3.6-10: Proposed new fire hydrant locations will be shown on the subdivision plat for review and approval of the Chief Fire Safety Inspector prior to final subdivision plat approval.

Comment 3.6-11 (Public Hearing, June 10, 2009, Shirley Thorman, President, Town of Clarkstown Planning Board): Fire Inspector. No comment on layout, but emergency access must be provided which you have.

Response 3.6-11: At the Planning Board's request, an emergency access to the Mountainview Condominiums to the north, has been included on the subdivision plat.

3.7 UTILITIES COMMENTS AND RESPONSES

Comment 3.7-1 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): PP 2-3. It would be helpful for the applicant to discuss the administrative procedures to allow connections for water and sewer. Have the necessary permits been acquired from the appropriate agencies or applied for?

Response 3.7-1: The applicant will secure willingness to serve letters from United Water and from the Rockland County Sewer District prior to final subdivision approval.

Comment 3.7-2 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): In several places the DEIS confuses mitigation with the payment of taxes or fees. Those costs would apply whether or not an environmental review is conducted, and are unrelated to mitigation.

Response 3.7-2: Comment noted. Although the taxes and fees generated by the project would apply in any case, it is noted that they will offset additional demand for utilities created by the project. No mitigation is proposed.

Comment 3.7-3 (Letter #5, May 31, 2006, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): The DEIS does not address the impact of the subdivision on sanitary sewers.

Response 3.7-3: Details for sanitary sewer construction shall comply with the Rockland County Sewer District's construction standards and will be shown on the subdivision plat prior to final subdivision approval. Sewer usage of the proposed Kury Homes is estimated at 4840 gpd. An email from Joseph LaFiandra, included in Correspondence indicates there are no sewer capacity problems in the vicinity of the proposed project.

Comment 3.7-4 (Letter #5, May 31, 2006, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): Details for sanitary sewer construction must comply with the District's construction standards and should be shown on the plans.

Response 3.7-4: Details for sanitary sewer construction shall comply with the Rockland County Sewer District's construction standards and will be shown on the site plans prior to final subdivision approval.

Comment 3.7-5 (Letter #5, May 31, 2006, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): Rockland County Sewer District No.1 requires sanitary sewer construction to conform to District standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approve certification of test results from a licensed professional engineer before approving the sewers on this project.

Response 3.7-5: The appropriate testing and certification of mainline sewer and manhole construction will be secured prior to final subdivision plat approval.

Comment 3.7-6 (Letter #5, May 31, 2006, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction be in accordance with the District's standards. The District's standard details require the joints to have butyl rubber seals with mortar in and out, and then to be coated with "Infi-shield" EPDM rubber seal wrap or approved equal.

Response 3.7-6: The specified precast and doghouse sanitary manhole construction, in accordance with the District's standards, shall be utilized in the sewer connection design.

Comment 3.7-7 (Letter #5, May 31, 2006, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): We request that submission of as-built drawings of the proposed sanitary sewer extension to Rockland County Sewer District No. 1 be made a condition of granting a Certificate of Occupancy.

Response 3.7-7: Comment noted.

Comment 3.7-8 (Letter #5, May 31, 2006, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): Details for the sanitary sewer connections are subject to approval by the Town of Clarkstown.

Response 3.7-8: Comment noted.

Comment 3.7-9 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): 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 that there will be a sufficient water supply during peak demand periods and in a drought situation. The issuance of a willingness to serve letter is not sufficient.

Response 3.7-9: United Water's issuance of a willingness to serve letter is their affirmation of a sufficient water supply. According to the Rockland County Department of Health UWNY's total available peak supply capacity exceeds the projected peak demand by 5.03 MGD. Therefore the capacity available to support 2010 growth within the UWNY distribution system is comprised of the 0.5 MGD already included in the 2010 projection, plus the 5.03 MGD surplus, for a total of 5.53 MGD. This information is included in Appendix D for reference. The projected water usage by the Kury Homes project is 4,840 gpd, a small fraction of the available water supply, approximately .001 MGD.

Comment 3.7-10 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): All major subdivisions, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities. RCDOH must also review and approve all public water supply improvements, e.g., water main extensions, including those required to serve a

proposed major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

Response 3.7-10: *The project Applicant will secure all necessary permits and approvals prior to final subdivision plat approval.*

Comment 3.7-11 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): 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 3.7-11: *The project Applicant will secure all necessary permits and approvals prior to final subdivision plat approval.*

Comment 3.7-12 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): A review shall be completed by the County of Rockland Sewer District #1 and their comments considered. Additionally, a letter shall be issued to the Town of Clarkstown indicating that there is sufficient capacity to serve a development of this magnitude; a willingness to serve letter is not sufficient.

Response 3.7-12: *The project Applicant will secure all necessary permits and approvals prior to final subdivision plat approval. Review and approval by the Rockland County Sewer District #1, is one of the numerous required approvals.*

Comment 3.7-13 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The DEIS does not state if the cable, television and telephone utilities will be located underground. This shall be noted. We strongly recommend, for aesthetic purposes, that all utility lines be located underground.

Response 3.7-13: *All utilities shall be constructed underground, a note to this effect shall be included on the subdivision plat prior to final subdivision approval.*

Comment 3.7-14 (Letter #16, June 4, 2008, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning): Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future needs of residents of the Villages, Towns, and County with an adequate supply of water. All major subdivisions, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities. RCDOH must also review and approve all public water supply improvements, e.g. water main extensions, including those required to serve a major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an

engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition, that certifies their ability to serve the proposed project while meeting the adopted criteria contained within the Recommended Standards for Waterworks. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the water supplier.

Response 3.7-14: Refer to response 3.7-9. In addition, The project Applicant will secure all necessary permits and approvals prior to final subdivision approval.

Comment 3.7-15 (Letter #16, June 4, 2008, Salvatore Carallo, Commissioner of Planning, County of Rockland Department of Planning): 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 3.7-15: The project Applicant will secure all necessary permits and approvals prior to final subdivision approval.

Comment 3.7-16 (Letter #17, June 12, 2008, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): Details for sanitary sewer construction must comply with the District's construction standards and should be shown on the plans.

Response 3.7-16: Details for sanitary sewer construction shall comply with the Rockland County Sewer District's construction standards and will be shown on the site plans prior to final subdivision approval.

Comment 3.7-17 (Letter #17, June 12, 2008, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): Rockland County Sewer District No. 1 requires sanitary sewer construction to conform to District Standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approve certification of test results from a licensed professional engineer before approving sewer on this project.

Response 3.7-17: The appropriate testing and certification of mainline sewer and manhole construction will be secured prior to final subdivision approval.

Comment 3.7-18 (Letter #17, June 12, 2008, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction be in accordance with the District's standards. The District's standard details require the joints to have butyl rubber seals with mortar in and out, and then to be coated with "Infi-shield EPDM rubber seal wrap or approved equal.

Response 3.7-18: The specified precast and doghouse sanitary manhole construction, in accordance with the District's standards, shall be utilized in the sewer connection design.

Comment 3.7-19 (Letter #17, June 12, 2008, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): We request that submission of as-built drawings of the proposed sanitary sewer extension to Rockland County Sewer District No.1 be made a condition of granting a Certificate of Occupancy.

Response 3.7-19: Comment noted.

Comment 3.7-20 (Letter #17, June 12, 2008, Joseph LaFiandra, Engineer II, Rockland County Sewer District No.1): Details for the sanitary sewer connections are subject to approval by the Town of Clarkstown.

Response 3.7-20: Comment noted.

Comment 3.7-21 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 7. Public sewer mains requiring extensions with a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

Response 3.7-21: Comment noted. All required permits and approvals will be secured by the applicant prior to final subdivision plat approval.

Comment 3.7-22 (Public Hearing, July 22, 2009, Rockland County Planning Department-via July 17th letter read by Rudolph Yacyshyn): 8. 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 Villages, Towns, and County with an adequate supply of water.

All major subdivisions, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health prior to filing with the County Clerk.

Rockland County Department of Health is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities.

Rockland County Department of Health must also review and approve all public water supply improvements e.g., water main extensions, including those required to serve a proposed major subdivision.

In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the Recommended Standards for Water Works, 2003 Edition, that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works.

These standards are adopted in their entirety in 10 NYCRR, subpart 5-1, the New York State regulations governing public water systems.

Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

Response 3.7-22: Comment noted. All required permits and approvals will be secured by the applicant prior to final subdivision plat approval.

3.8 HISTORIC AND ARCHAEOLOGICAL RESOURCES COMMENTS AND RESPONSES

There were no comments on historic or archeological resources.

3.9 TRAFFIC

Comment 3.9-1 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The DEIS states the proposed number of construction truck movements on and off of the local and county roadways for fill removal, but does not state the total number of construction truck movements nor their impact to the flow of traffic on these routes. Additionally, the New York State Department of Transportation, the Rockland County Department of Highways and the Town of Clarkstown Highway Department shall be given ample time to review any proposed routes to be used by the construction vehicles.

Response 3.9-1: *The DEIS addendum, which provides an analysis of the 11 lot Cluster Preferred Alternative, includes a traffic analysis. The projected operating level of service at the proposed site access is projected to be a level of service B, with operating level of service along Mountainview Avenue at the most efficient level of service A.*

Based upon an estimated 16,480 cubic yards of fill necessary, and the assumption that 28 ton tri axel trucks are utilized, an average of approximately 6 trucks daily shall be required during the period where the site work is being conducted, typically during the first 6 months of construction. It is not expected that the traffic from this number of trucks will have a significant impact on local traffic. A flagman shall be available at the site access if necessary to insure the smooth flow of traffic. The Traffic Analysis established the peak hours of traffic on Mountainview Avenue as 7:30 to 8:30 a.m. and 5:00 to 6:00 p.m. Delivery of fill materials shall be scheduled outside of these peak hours to minimize impacts to traffic.

Construction vehicles, particularly those related to delivering fill material are most likely to use Interstate 87/287 to Route 59 and proceed north on Mountainview Avenue. Limited trips related to the delivery of construction materials may also originate from either NYS Route 303 or NYS Route 9W and access Christian Herald Road to approach the project site from the north.

Comment 3.9-2 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): To encourage the efficient flow of vehicles throughout this neighborhood, any potential connections to existing or future developments should be considered.

Response 3.9-2: *Comment noted. An emergency access to the Mountianview Condominium complex to the north has been included on the subdivision plat for the 11 lot Cluster Preferred Alternative. This is shown on the subdivision plat as a 24 foot wide gated emergency only access, which will be paved with grass pavers, located between lots 3 and 4. An e-mail from the president of Mountianview East II Condominium indicates the Condo Board voted to allow construction of this emergency access, refer to Correspondence.*

Comment 3.9-3 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The DEIS does not state any potential traffic impacts by the proposed twelve dwellings to be developed on the site; this shall be considered.

Response 3.9-3: As stated a Traffic Analysis for the 11 lot Cluster Preferred Alternative has now been conducted and is included in the DEIS Addendum, dated July 1, 2009. It is anticipated that 17 new a.m. peak hour trips and 11 new p.m. peak hour trips will be generated by the proposed project. The proposed site access is expected to operate at level of service B. There is sufficient intersection sight distance to accommodate vehicles traveling up to 55 miles per hour per the AASHTO recommendations.

Comment 3.9-4 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): It is commonly dangerous for pedestrians to cross the street, even when crosswalks are provided. Often vehicles ignore the State law of yielding to those within a crosswalk. To help drivers identify where crosswalks are located, they should be designed to stand out to both walkers and drivers throughout a community. This can be done by incorporating colors, using different materials (such as bricks or pavers) or changing the surface level. We encourage the Town to consider requiring bricks or creatively painted crosswalks to draw attention to the area while also adding character to the place.

Response 3.9-4: The Applicant has committed to construction of a crosswalk to Mountainview Nature Park on the west side of Mountainview Avenue. The crosswalk shall be located across from the Rockland County easement into Mountainview Nature Park. This crosswalk is to be painted with reflective material, in a typical crosswalk ladder pattern, with reflective paint to be easily visible to vehicles traveling along Mountainview Avenue. A pedestrian crosswalk sign shall be installed to designate the location of the crosswalk on Mountainview Avenue.

Comment 3.9-5 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): No lighting shall shine beyond the property line of the site. Low evergreen shrubs should be considered along Mountain View Road to block the headlights from shining into the roadway.

Response 3.9-5: The 11 lot Cluster Preferred Alternative has removed all development from within approximately 350 feet of Mountainview Avenue. As can be seen on the Landscape Plan, significant plantings along the project perimeter will provide further screening of the project from surrounding areas.

Comment 3.9-6 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The DEIS does not state the proposed disposal site for fill. In order to determine the full effect on the Local, County and State roadways and the impacts on the local traffic using these roadways this site shall be noted. Additionally, the applicant shall abide by all regulations regarding the disposal of fill from construction projects.

Response 3.9-6: The project requires 16,480 cubic yards of fill to be imported onto the site. There is no cut to be removed from the site which would need to be disposed of in an off-site location.

Comment 3.9-7 (Letter #18, June 25, 2008, Mr. & Mrs. Craig Reynolds): As a resident of The Mountain View Condominiums, we are very concerned about this proposal. Mountain View Avenue is very congested and is a very dangerous avenue to begin with. There are a lot of children in the area, mostly from the condos that walk on this Avenue that has no sidewalks and very dangerous turns and blind spots.

Response 3.9-7: The proposed project is expected to generate a total of 17 new trips during the a.m. peak hour and 11 new trips during the p.m. peak hour. These trip generation volumes equate to approximately a three to five percent increase in the existing traffic volumes on Mountainview Avenue.

Comment 3.9-8 (Letter #18, June 25, 2008, Mr. & Mrs. Craig Reynolds): The mosque itself is going to generate a ton of traffic and congestion problems. We do not need any more to add on top of that. It is a serious safety issue for all of us, not to mention all of the deer and wildlife that live in our woods. At this point, they are frequently seen on the road and on the condo property however, they live in those woods. If you take that away they will really have nowhere to go and you will see a lot more deer-related accidents.

Response 3.9-8: Development of the Kury Homes site is likely to encourage wildlife to remain in the Mountainview Nature County Park and adjoining undeveloped lands, by utilizing what is currently undeveloped land, thus discouraging deer crossing the road.

Comment 3.9-9 (Letter #18, June 25, 2008, Mr. & Mrs. Craig Reynolds): I would like to remind everyone that Mountain View Avenue is not a main road, like Germonds Road or Townline Road. This avenue cannot support the excess vehicles during or after the building. Our resources are tapped and our property values will be affected.

Response 3.9-9: Refer to Response 3.9-7.

Comment 3.9-10 (Letter #21, June 9, 2009, & Public Hearing, July 22, 2009, Mr. & Mrs. M. Francis): We are in the Mountainview Condominiums since 1969 and have watched this area turn from a lovely country area to just a shortcut to the entrance to the Thruway. We feel the character of the area has completely changed especially since the Forest Ridge development next to us was built. We have been inundated with deer that are a danger to themselves as well as the cars on the road as their natural habitats have been overdeveloped. Mountainview Avenue is a winding road and already too congested for safe navigation. I was in an automobile accident a couple of years ago as the result of someone misjudging the curves in the road.

Response 3.9-10: Refer to Response 3.9-7 and 3.9-8.

Comment 3.9-11 (Public Hearing, June 25, 2008, Betty Meisler, 621 Sierra Vista Lane): My concern is the traffic on Mountainview Avenue, and being able to have access and egress from Sierra Vista Lane.

...and two weeks ago I had a horrible accident coming out of Sierra Vista Lane onto Mountainview Avenue. My car was demolished and thankfully I survived it, but in the morning, people use Mountainview Avenue as a shortcut to the thruway and back and over to Christian Herald Road, so the traffic is horrendous, especially during the time that people are leaving for work any time between 7 and 9, so we don't even have a sign that says that there are driveways ahead.

...so I think that that issue has to be addressed, that there has to be some kind of traffic safety, be it traffic signs or even a traffic light at Sierra Vista Lane because there is 770 families on Sierra Vista Lane that are coming and going, and there is only one way in and one way out and that's it, so I would really ask that something be said about that. Thank you.

***Response 3.9-11:** The Applicant shall provide funds for traffic safety signage as deemed appropriate by the Town of Clarkstown Highway Department.*

Comment 3.9-12 (Public Hearing, June 25, 2008, Yvette McCarthy): ...but I would like to make the comment that I also can barely get out of my driveway without -- it's like the Autobahn in the morning, you have to cross your fingers and just go,....

***Response 3.9-12:** Mountainview Avenue is a two lane Town roadway with a posted speed limit of 30 miles per hour. A Speed Study was conducted as part of the Traffic Analysis indicates that the 85th percentile of vehicle operating speeds, both northbound and southbound is about 36 miles per hour. According to the AASHTO standards, the proposed site access will have adequate sight distance for vehicles traveling at up to 55 miles per hour. Enforcement of the speed regulations is a matter of local jurisdiction.*

Comment 3.9-13 (Public Hearing, June 25, 2008, Kathleen McCleary, 208 Mountainview Avenue): ...and my concern is the traffic, and has there been a traffic study in terms of dealing with the increase -- I know it's only 11 homes, but it is a problem in terms of going on that road every single day, and as the previous speaker said, there is a problem with traffic, especially in the morning. It's very difficult to get out of our driveway.

We are actually the three houses in the cul de sac that is going to be across from the entrance of this development, and so it's a major concern as far as I would like to make sure that the builder is aware of the possible impact for the houses across the street in terms of traffic and potential accidents and safety, and I just had one question for the builder.

I wanted to know exactly where that road was. We know the old road because it was marked as private property and we walked by it many times, so I was just curious in looking at the diagram, this is new to me, so I was curious if it was being moved forward, backwards or staying the same as far as the original driveway.

***Response 3.9-13:** The site access for the 11 Lot Cluster Alternative has been located to maximize the available sight distance and will be located to the north of your driveway.*

Comment 3.9-14 (Public Hearing, June 10, 2009, Yvette McCarthy, 256 Mountainview Avenue): Yvette McCarthy. I live at 256 Mountainview Avenue which is directly across the street.

The issue is the last meeting I was very surprised to see that the driveway for the development is directly across from our driveway. Is there any way to change that planning?

I don't a lot about reading the maps and everything, but that part was disturbing to me. We already have the nature trail to one side of our house with a lot of disruption with people going there early in the morning and stuff. We can barely back out of our driveway.

I don't like the idea that now we are going to have to contend with traffic directly across from our driveway. People speed. They can't see around that curve, and we have to deal with that in addition.

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

Comment 3.9-15 (Public Hearing, July 22, 2009, Robert Geneslaw (via letter read by Rudolph Yacyshyn), AICP, Planning Consultant, Town of Clarkstown): 4. The sight distance along Mountainview Avenue, as shown on Driveway Number 1, should be modified to show the line of sight along Mountainview Avenue, at a scale sufficient to show that for the full length of the required sight distance that, there are no obstructions. This demonstration should reference vertical changes as well.

Response 3.9-15: The available sight distance is now shown on the subdivision plat. The Applicant has provided a road profile which confirms the available sight distance. Available intersection sight distance is 650 feet looking to the north and 630 feet looking to the south. The available sight distance meets the AASHTO guidelines for intersection sight distance for vehicles traveling up to 55 miles per hour. Intersection sight distance represents an additional margin of safety beyond minimum required stopping sight distance, and is measured at a point 3.5 feet off the pavement.

There is a dip in the road on Mountianview Avenue. based upon the AASHTO methodology for measuring stopping sight distance (at a height of 2.0 feet off the ground) continuous stopping sight distance is 260 feet to the north and 525 feet to the south. This stopping sight distance meets the AASHTO guidelines for stopping sight distance for vehicles traveling up to 36 miles per hour, which has been identified as the 85th percentile of vehicle operating speeds along Mountianview Avenue .

4.0 ALTERNATIVES COMMENTS AND RESPONSES

As described in the introduction, the applicant has developed an 11 Lot Cluster Preferred Alternative, shown in FEIS Figure 1. The 11 Lot Cluster Preferred Alternative has been modified to eliminate all lots from the vicinity of Mountainview Avenue in order to preserve steep slopes and avoid wetland areas. Other than construction of the entrance road and associated landscaping, this environmentally sensitive area will be left in its natural state to provide screening from Mountainview Avenue and will be offered for dedication to the Town of Clarkstown.

Buffer areas have been provided along the north, south and east property lines to provide screening from adjoining properties. Landscaping and berms will be provided in these areas to reduce potential visual impacts of the project. Street Trees will be planted along the interior road frontages to provide vegetative in-filling which will serve to camouflage the development from view along Route 59 and the Thruway. As discussed, it is anticipated that buildings will be constructed with natural colored roofing and siding materials to further reduce potential visual impacts.

An emergency access connection to Mountainview Condominiums to the north has also been included.

In the 11 Lot Cluster Preferred Alternative approximately 7.2 acres would be graded to accommodate the proposed 11 residential units, driveways and parking facilities, lawns and landscaped areas. There is a reduction in disturbance of 1.3 acres compared to the Standard Layout. The impervious area of this alternative is 2.0 acres, a reduction of 0.4 acres compared to the Standard Layout project. Cut and fill amounts would be significantly reduced as shown in Table 1-1. Total slope disturbance would be reduced from 8.5 acres to 7.2 acres, and steep slope disturbance (≥ 15 percent) would be reduced by 0.5 acres compared to the Standard Layout. Similar to the Standard Layout, less than one-tenth of an acre of Army Corps of Engineer (ACOE) regulated wetlands would be disturbed - the disturbance would be subject to a Nationwide Permit No. 39. Table 4-1 provides a quantitative comparison of the 11 Lot Cluster and the Standard Layout.

Impacts to community services and traffic would be slightly reduced based upon 11 lots compared to the 12 lots in the Standard Layout. Traffic impacts would also be reduced due to the reduction in cut and fill amounts.

The applicant has submitted a tree plan and a landscaping plan for the 11 Lot Cluster Preferred Alternative. There are a total of 505 existing trees on-site. As a result of grading to accommodate the road layout and residences, a total of 168 trees will remain. In addition, as shown on the landscaping plan, a total of 144 trees will be planted on-site to provide screening and add to the visual aesthetics of the project. This will result in a total of 312 trees on site, or approximately 30 trees per acre. This is well in excess of the required 17 trees per acre stipulated in the Town of Clarkstown Tree Preservation Law.

Based upon discretion of the Planning Board, the applicant is willing to make this improved 11 Lot Cluster proposal the Preferred Alternative proposed for construction.

FEIS Table 4-1 Alternative Impact Comparisons			
Area of Concern	No Action	Standard Layout	11 Lot Cluster Alternative
Land Use			
Impervious Surfaces (acres)	0.77	2.4	2.0
Lawn/ Stormwater (acres)		6.1	5.2
Total Project Cut (cubic yards)	0	67,100	24,380
Total Project Fill (cubic yards)	0	45,400	41,470
Net (cubic yards)	0	21,700 (export)	17,090 (import)
Residential Units			
Residential Units	0	12	11
Natural Resources			
Total Site Area (acres)	10.3	10.3	10.3
Total Area of Disturbance (acres)	0	8.5	7.2
Woodland Disturbance (acres)	0	5.6	5.2
Wetland Disturbance (acres)	0	<0.1	<0.1
Steep Slope Disturbance (>15%) (acres)	0	3.4	2.9
Community Resources			
Population	0	44	40
Residential Trips (peak hour)	0	16	15
Water Demand / Sewage Flow (based on 110 gallons per bedroom per day)	0	5,280	4,840
School-age Children	0	10	10
Notes: Estimates are approximate. Source: Atzl, Scatassa, & Zigler, P.C.; Tim Miller Associates, Inc., 2010.			

Comment 4.0-1 (Public Hearing, May 10, 2006, Marvin Baum, Member Town of Clarkstown Planning Board): One of the things that I would like to personally see are other alternatives using cluster that would utilize the area that was already previously-- where homes were located.

Response 4.0-1: *The 11 Lot Cluster Preferred Alternative removes all development from the land adjacent to Mountainview Avenue and concentrates development on the portion of the site that was previously developed.*

Comment 4.0-2 (Public Hearing, May 10, 2006, Robert Jackson, Member Town of Clarkstown Planning Board): Question for Joe Simoes. You mentioned the floor area ratio, the FAR going from .20 to .30. Is that because of the moving the site and the front yards are smaller? That goes to the Zoning Board of Appeals, or is that something that we grant here?

Response 4.0-2: *After thorough review and consideration, the Applicant has proposed, and the Planning Board has indicated their acceptance of, a lot specific FAR, which will allow the Applicant to construct reasonable houses on the smaller lots along the southern perimeter and will limit the size of the houses on the larger lots. This is possible under the Cluster Authorization, Town Code Section 278, which must be granted by the Town Board, upon referral from the Planning Board.*

Comment 4.0-3 (Public Hearing, May 10, 2006, Robert Jackson, Member Town of Clarkstown Planning Board): In your opinion, which layout would give us the least impact on the viewshed, as Marvin calls it?

Response 4.0-3: The 11 lot Cluster Preferred Alternative, preserves the existing visual character along Mountianview Avenue and provides significant landscaping, conservation easements and the use of earth tone exterior building materials to minimize visual impacts to the maximum extent practicable.

Comment 4.0-4 (Public Hearing, May 10, 2006, George Hoehmann, Member, Town of Clarkstown Planning Board): Has the applicant considered as part of an alternate, a townhouse or a condominium? It seems to me that as you go up lots two, three and four, there is a natural place that a building could be created, and potentially you might be able to create an additional building for a couple of units up top in that clear area without having really to disturb the trees, that would really fit into the character which is multi-family, you know townhouses.

...it would have significantly less invasive impact on the viewshed, and it might also allow with some smart planning, the ability to maintain some type of wildlife corridor or connection in between the parks which is going to disappear.

Response 4.0-4: Construction of 11 single family lots, interspersed with street trees and landscaped conservation easements will provide a reduced visual impact to a massing of townhouses more concentrated in development.

Comment 4.0-5 (Public Hearing, May 10, 2006, George Hoehmann, Member, Town of Clarkstown Planning Board): It seems to me you probably could get six or eight units on the open area down by lots two, three and four as a townhouse, and you can get four or six units up in the center area, if this is what the standard map says after all the calculations, and you would have significantly less impact on the viewscape.

Response 4.0-5: Refer to responses 4.0-3 and 4.0-4

Comment 4.0-6 (Public Hearing, May 10, 2006, Shirley Thorman, Chairperson, Town of Clarkstown Planning Board): What strikes me is the 80/20 percent, that you are going to be disturbing 80 percent of the topography there and that is rather substantial, and I am not naive in the sense that I expect no visual change, and I also subscribe to the notion that a man has a right to develop his property. That goes back to the days of the anglo-saxons, but we have flora and fauna up there, as that one lady said. We have wetlands. We have steep slopes, so personally, what I would like to see is, confined to the least amount of destruction as possible, and I am not sure how many units you can get up there, but once you do your --

Mr.. Atzl can do his business, but once we have those figures, all right, and then we can see the number you are entitled to, and as one member of the Board, I would like to see it confined.

Response 4.0-6: Development of the 11 Lot Cluster Preferred Alternative reduces the total area of disturbance by 12 percent. A memo from the Building inspector, included in Correspondence confirms the initial 12 lot standard plan unit count would meet the Town' bulk requirements.

A memo, dated June 9, 2010, from the Office of the Building Inspector confirms the 11 lot Standard Layout Subdivision Plat, complies with the bulk regulations of the Town of Clarks town's R-22 Zoning District. this memo has been included in Appendix B, Correspondence.

Comment 4.0-7 (Public Hearing, May 10, 2006, Rudolph Yacyshyn, Vice Chairman, Town of Clarkstown Planning Board): With the caveat, with the cluster of the so-called alternate layout or whatever, the alternate clustering require a number of variances. This is the thing that must be avoided.

It is not our position, and we have very good legal authority that indicates that coming in with a subdivision, however it is configured, doesn't entitle you to more than you would be allowed under that provision of the ordinance, which includes whether or not you need a variance.

A variance should be for other reasons that are beyond your control, not made through your control.

***Response 4.0-7:** under the provisions of Section 278 Cluster Development, the Planning Board has discretion to allow development in such a manner to preserve environmentally sensitive lands. The applicant has worked with the Planning Board in developing a lot specific FAR calculation which would insure the applicant is not allowed to build any more than he would be entitled to under the supporting 11 lot standard development plan submitted for verification. No variances are required and none are being requested.*

Comment 4.0-8 (Public Hearing, May 10, 2006, Daniel Kraushaar, Clarkstown Planning Board Attorney): (To clarify the above comment.) You have to show that you comply with all the municipal ordinances on a standard layout without the need for a variance.

...That forms the basis for the number of units.

...At that juncture, clustering can be applied either in the form of a townhouse or in a single family residential setting.

In either case the Planning Board has the authority, the discretion to vary the requirements on setbacks and other requirements under the code in order to allow for the clustering, with the intent to save as much of the open space and all the other environmental impacts that we have been talking about.

***Response 4.0-8:** The Applicant has submitted an 11 lot Standard Plan to support the application for the 11 lot Cluster Preferred Alternative. The 11 Lot Standard Plan has been submitted to the Town of Clarkstown Building Plans Examiner for a determination of compliance with the R-22 zoning of the site. A memo, dated June 9, 2010, from the Office of the Building Inspector confirms the 11 lot Standard Layout Subdivision Plat, complies with the bulk regulations of the Town of Clarkstown's R-22 Zoning District. This memo has been included in Appendix B, Correspondence. This 11 lot Standard Layout Plan will serve as the basis for Cluster Authorization under Section 278 of the Town Code.*

As described above the Applicant has worked with the Planning Board in developing a lot specific FAR designation which will insure he can build a reasonable sized house on the smallest lots, similar to the houses he could build on the 11 lot Standard Plan, while protecting the Town from over development on the largest lots.

Comment 4.0-9 (Public Hearing, May 10, 2006, Robert Geneslaw, AICP, Planning Consultant, Town of Clarkstown): As part of the environmental process, you have the opportunity and probably the obligation to look at alternatives, and the two alternatives to the standard that you looked at are really very minor modifications of the standard.

You can ask them to look at a townhouse cluster alternative as part of the environmental process. That allows you to measure the difference in the various impacts between conventional subdivision and a townhouse alternative (or clustered single family houses.)

***Response 4.0-9:** Discussion of the Cluster Alternative was the subject of the DEIS Addendum, dated July 1, 2009.*

Comment 4.0-10 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): PP 4-2. The discussion in 4.2.1 Standard Alternate Layout, indicates that variances would be required for smaller front yard setbacks. An alternate plan should not be considered that requires variances, particularly when there is not significant public benefit.

***Response 4.0-10:** As a result of the Cluster Development, no variances are required and none are being requested. Refer to Response 4.0-7.*

Comment 4.0-11 (Letter #1, May 4, 2006, Robert Geneslaw, AICP and Fred Doneit, Planning Consultants, Town of Clarkstown): We would ordinarily suggest the Board give consideration to the cluster (average density) proposal because of the reduction in on-site impacts. However, the purpose of the cluster provision, Town Law Section 278 is "to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands." Since the latter will be difficult to achieve, we suggest that the Board request that the applicant work toward providing modifications to the plan that will reduce on-site impacts and improve the visual relationship with the Mountainview condominiums.

***Response 4.0-11:** Discussion of the 11 Lot Cluster Alternative was the subject of the DEIS Addendum, dated July 1, 2009, shown in FEIS Figure 1. The 11 Lot Cluster Preferred Alternative has been modified from the original plan to eliminate all lots from the vicinity of Mountainview Avenue in order to preserve steep slopes and avoid wetland areas. Other than construction of the entrance road and associated landscaping, this environmentally sensitive area will be left in it's natural state to provide screening from Mountainview Avenue and will be offered for dedication to the Town of Clarkstown.*

Buffer areas, in the form of Conservation Easements have been provided along the north, south and east property lines to provide screening from adjoining properties. Landscaping and berms will be provided in these areas to reduce potential visual impacts of the project. Street trees will be planted along the interior road frontages to provide vegetative in-filling which will serve to camouflage the development from view along eastbound NYS Route 59 and the long distance view from the eastbound NYS Thruway. The applicant will commit to a one to one tree replacement for all trees removed from areas to be dedicated to the Town, including the roadway and lots 12 and 13 to be dedicated as conservation easements. As discussed, it is anticipated that buildings will

be constructed with natural colored roofing and siding materials to further reduce potential visual impacts.

Per the request of the Planning Board, an emergency access connection to Mountainview Condominiums to the north has also been included on the subdivision plat.

In the 11 Lot Cluster Preferred Alternative approximately 7.2 acres would be graded to accommodate the proposed 11 residential units, driveways and parking facilities, lawns and landscaped areas. There is a reduction in disturbance of 1.3 acres compared to the Standard Layout. The impervious area of this alternative is 2.0 acres, a reduction of 0.4 acres compared to the Standard Layout project. Cut and fill amounts would be significantly reduced as shown in Table 1-1. Total slope disturbance would be reduced from 8.5 acres to 7.2 acres, and steep slope disturbance (≥ 15 percent) would be reduced by 0.5 acres compared to the Standard Layout. Similar to the Standard Layout, less than one-tenth of an acre of Army Corps of Engineer (ACOE) regulated wetlands would be disturbed - the disturbance would be subject to a Nationwide Permit No. 39.

Comment 4.0-12 (Letter #3, May 5, 2006, Jose Simoes, Town Planner, Town of Clarkstown): The Alternative Subdivision Plans section discusses a "Standard Alternate Layout" and an "Average Density Alternative." The document incorrectly refers to "cluster development" as an "average density subdivision." The Planning Board should consider that according to Town Law Section 278, "the purpose of a cluster development shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands."

Response 4.0-12: *Development of the 11 Lot Cluster Preferred Alternative meets the objectives of Town Law Section 278, "the purpose of a cluster development shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands."*

Comment 4.0-13 (Letter #3, May 5, 2006, Jose Simoes, Town Planner, Town of Clarkstown): Section 4.2.1, Standard Alternate Layout, discusses a subdivision with smaller front yard setbacks. The "Standard Alternate Subdivision Plat," Drawing SA-1, varies more than just the front yard setback. It varies almost all of the R-22 bulk requirements: reducing the front yard from 35 feet to 20 feet, side yard from 20 feet to 15 feet and total side yard from 50 feet to 45 feet and increasing the floor area ratio (FAR) from 0.20 to 0.30. Granting of these variances by the Zoning Board of Appeals could result in a precedent for varying required yards and FAR on undeveloped lots throughout the Town. The bulk table on Drawing SA-1 has asterisks that indicate "requested change per average density." This may be a typographical error. The layout could be considered a cluster subdivision if the Planning Board were to determine that the standard layout conformed to the requirements of the Zoning Ordinance and that the "Standard Alternate Subdivision Plat" configuration protected open space and unique environmental features on the site. However the impacts of this layout are similar to those of the proposed action.

Response 4.0-13: *Refer to Response 4.0-12.*

Comment 4.0-14 (Letter #3, May 5, 2006, Jose Simoes, Town Planner, Town of Clarkstown): Section 4.2.2, Average Density Alternative, discusses a cluster development of 12 single family detached dwellings. The "Average Density Subdivision Plat," Drawing AD-1, reduces the front yard on the proposed road from 35 feet to 30 feet and the minimum lot area from 22,500 square feet to 18,000 square feet and increases the FAR from 0.20 to 0.30. The new Average Density Layout, while eliminating a cul-de-sac, proposes three flag lots and protects only a small amount of open space.

Response 4.0-14: Discussion of the 11 Lot Cluster Alternative was the subject of the DEIS Addendum, dated July 1, 2009, and is a significantly better alternative than those initially considered in the DEIS.

Comment 4.0-15 (Letter #3, May 5, 2006, Jose Simoes, Town Planner, Town of Clarkstown): As I stated previously, a more practical alternative should be studied. This site is between two existing multi-family developments and has wetlands and steep slopes. A clustered town house development of 12 could protect the environmental features of the site and also be in keeping with the adjacent multifamily developments. A 12-unit townhouse would be permitted, of course, only if the standard 12-lot subdivision was first found by the Planning Board to conform to the requirements of the Zoning Ordinance. Such a cluster development would be similar to the 7-unit townhouse complex the Board recently approved north of this site on Mountainview Avenue, known as Mountainview North and South.

Response 4.0-15: Discussion of the 11 Lot Cluster Alternative was the subject of the DEIS Addendum, dated July 1, 2009, and is a significantly better alternative than those initially considered in the DEIS.

Comment 4.0-16 (Letter #6, June 16, 2006, Salvatore Corallo, Commissioner of Planning, County of Rockland Department of Planning): The County Planning Department wishes to reserve comment on the proposed alternatives given that further information and additional alternatives have been requested by the Town of Clarkstown. When new information or plans are received, we request that they be sent to the County Planning Department for review with respect to the DEIS.

Response 4.0-16: The DEIS Addendum, on the 11 Lot Cluster Alternative was sent to the Rockland County Department of Planning for review and comment. The County's comments on the 11 Lot Cluster Preferred Alternative are responded to in this FEIS.

Comment 4.0-17 (Public Hearing, June 25, 2008, Dennis M. Letson, P.E., Deputy Director, Town of Clarkstown Department of Environmental Control and Jose Simoes, Town Planner, Town of Clarkstown): In the table that was provided on the second page, it indicates that the no action alternative, which is existing conditions, the gravel driveways and the two homes that were existing on the site previously represented 2.77 acres of impervious area, and that both the proposed standard layout and the cluster alternative would actually create as a net result less impervious surface which the plans don't seem to indicate.

In the full body of the DEIS that was previously submitted, the 2.77 acre number refers to the total acres of grass and disturbed areas that existed on the site as a result of the previous residences, so those numbers need to be revised.

Response 4.0-17: *The Applicant reviewed the 2.77 acres listed in the Table and Mr. Letson was correct, 2.77 acres refers to the previously disturbed area, including grass and impervious surface. The number in the Alternatives Comparison Table should be 0.77 for the impervious area of the No Action alternative. This error has been corrected to read 0.77 acres in the Alternative Comparison Table.*

Comment 4.0-18 (Public Hearing, June 25, 2008, Jose Simoes, Town Planner, Town of Clarkstown): The cluster development allows the Planning Board to vary bulk requirements to allow the development of the same number of residential units of smaller lots.

Response 4.0-18: *Development under Town Law Section 278 for Cluster Development states, "the purpose of a cluster development shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands." Development of the 11 Lot Cluster Preferred Alternative meets these objectives, and thus the Applicant will seek authorization under Town Law Section 278.*

Comment 4.0-19 (Public Hearing, June 25, 2008, Jose Simoes, Town Planner, Town of Clarkstown): The proposed bulk, which is shown on the cluster subdivision plat, decreases the minimum lot size by 20 percent, that is from 22,500 square feet to 18,000 square feet. It increases the floor area ratio from 0.20 to 0.30, so on a standard R-22 lot, a 4,500 square foot home could be built, and that would have a FAR of 0.20, that as compared to a 5,400 square foot home on an 18,000 square foot lot with the proposed FAR of 0.30.

Typically, there is a proportional decrease, not an increase, a decrease in the size of the homes as the lot sizes decrease.

Response 4.0-19: *As discussed in the DEIS Addendum, the Applicant has worked with the Planning Board to establish lot specific FAR designations which has been listed right on the subdivision plat to be submitted for approval.*

Comment 4.0-20 (Public Hearing, June 25, 2008, Jose Simoes, Town Planner, Town of Clarkstown): The bulk table for the cluster also shows that setbacks are reduced, but they are typically not reduced to the extent as proposed.

Response 4.0-20: *The entire Bulk Table applicable to this subdivision, including setbacks are listed right on the subdivision plat to be submitted for approval.*

Comment 4.0-21 (Public Hearing, June 25, 2008, Jose Simoes, Town Planner, Town of Clarkstown): I will provide the Board with a comparison of the R-22 zoning district versus the R-15 and what is essentially in this cluster subdivision, an R-18, and I will just run that down.

For an R-22, as I mentioned, the minimum lot area would be 22,500 square feet. In this cluster would be 18,000 and 15,000 square foot.

Lot width for an R-22 is 120, and R-15 is 100, and R-18, or this cluster subdivision they are proposing 80.

The front setback is 35 in an R-22, 30 in an R-15. The proposed, what is proposed for this cluster is 30. Side setback for R-22 is 20. R-15 is 20. This cluster is 15. Total side setback,