

3.4 Land Use and Zoning

Category 1: These comments have been grouped together due to their content including concerns regarding why the Patrick Farm development is proposed in this location and compared to other multifamily zoning areas in the Town.

Comment 3.4-1A (Ms. Shapiro, Scenic Drive, Public Hearing Transcript, June 4, 2009):

..there's plenty of housing available in the Town of Ramapo, both multifamily and single. There are already approved developments that are closer to the core centers or in the core centers.

***Response 3.4-1A:** As stated in the Housing Needs Assessment provided as DEIS Appendix U, the population of the Town has steadily increased over the past eight years and is projected to continue to increase at approximately 0.5 percent annually. The Town of Ramapo is projected to have a population of 117,801 persons in 2013. This equates to a population increase of approximately 3,000 persons over the next five years. Based upon the current average household size of 3.4 persons, which is expected to remain constant through 2013, an additional 880 households would need to be accommodated in the Town of Ramapo. Current homeowner vacancy rates range from two to three percent indicating for all practical purposes, full housing occupancy.*

Comment 3.4-1B (Mr. Rhodes, 26 Sky Meadow Road, Public Hearing Transcript, June 4, 2009): ..the Comprehensive Plan calls for diversity in housing. ..the Comprehensive Plan also said that this area was supposed to remain a rural or semi-rural area.

***Response 3.4-1B:** A Comprehensive Plan is an organic document that is modified regularly to respond to the needs of the community. Growth is happening in Ramapo and the historic low density zoning simply does not respond to the anticipated future needs of the town. If the town does not provide further opportunities for workforce and other below market rate housing options in locations where infrastructure exists, it promotes sprawl elsewhere.*

The Comprehensive Plan indicated development of this site would need to take into account the site's environmental constraints, including protection of the aquifer. For this reason, extraordinary measures were taken to insure no net loss to the groundwater recharge upon development of the Patrick Farm project as proposed. The environmental sensitivities of this area have been addressed while allowing for diversified housing in the Town and the Region as a whole.

Comment 3.4-1C (Mr. Romanowski, 177 Maple Avenue, Public Hearing Transcript, June 4, 2009): In this new Master Plan. It is supposed to be more dense in the center area, and bands going out, each further out, the outer fringes, where this property is located. How does this zone change accommodate what you said when you created the Master Plan.

***Response 3.4-1C:** As shown in FEIS Figure 1, a view of the land use patterns in this region indicate that, with the exception of the Patrick Farm site, only the dedicated parklands remain undeveloped in this area. The aerial view shows the boundaries of the Town of Ramapo and the adjoining areas of the Village of Pomona and the Village of Wesley Hills. Both of these surrounding Villages are completely developed to the maximum extent allowed by zoning. Proximate to the Patrick Farm project site, the Village of Wesley Hills is developed with predominantly small single family lots, (15,000 square feet). The entire Village of Pomona is zoned R-40 and is developed exclusively*

with single family homes. This development pattern is a suburban sprawl. Only the dedicated parkland remains undeveloped. Ramapo is not a rural area with large expanses of open land. It is a highly developed residential area.

Almost half (45 percent) of the Patrick Farm site will be undisturbed as open space. The project will provide a diversity of housing in a more energy efficient form than typical suburban sprawl.

The project as proposed includes a peripheral ring of single family housing consistent with the existing patterns of development on adjacent properties. The proposed multifamily housing will be well buffered from the adjacent land uses by the ring of single family homes.

Comment 3.4-1D (Mr. DePaola, 67 Babcock Lane, Public Hearing Transcript, June 8, 2009): I also would like to comment that as a person that lives on Babcock Lane, the Master Plan originally called for concentrations, such as schools and high level development, all on Route 59, and that the north end of the County would have more rural effect. I can't believe that this plan is taking away from 59 and putting all this development in the north section, which is opposite of the Master Plan that was proposed.

Response 3.4-1D: *As stated earlier the actual land use pattern in Wesley Hills north of Grandview Avenue is completely developed in a residential land use.*

Comment 3.4-1E (Letter #4, Doris F. Ulman, Attorney at Law, July 6, 2009): The DEIS continually states that the Town's Comprehensive Plan identifies a need for diversity of housing options but fails to state that the Plan also identified specific areas of the Town to be rezoned to address this need. These areas have been identified for multi-family housing and have not yet been built out. The Comprehensive Plan created several MR-8 and MR-16 zones in order to accommodate the diversity of housing needs that the Plan envisioned. The Patrick Farm property is not one of those areas.

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

Response 3.4-1E: *A comprehensive plan is an organic document that is modified regularly to respond to the needs of the community. Growth is happening in Ramapo and the historic low density zoning simply does not respond to the anticipated future needs of the town. If the town does not provide further opportunities for workforce and other below market rate housing options in locations where infrastructure exists, it promotes sprawl elsewhere. The project site's location in an area where infrastructure of water, sewer, and excellent access to major regional and local transportation networks without traveling through established neighborhoods make it a prime location for multifamily development.*

As stated earlier, this parcel was designated as environmentally sensitive due to its location over the Ramapo Sole Source Aquifer. The Comprehensive Plan called for development with sewers (not septic systems) to protect the aquifer. The Patrick Farm development will be completely sewerred and will provide an upgrade to the existing sewer System to make it more efficient and provide additional protection to the environment. The stormwater management plan and the proposed groundwater recharge system allow the property to be developed while further protecting the site's environmentally sensitive features.

Comment 3.4-1F (Letter #5, Susan H. Shapiro, Attorney at Law, July 22, 2009): Applicant's DEIS turns the Town of Ramapo's Comprehensive Plan and Zoning on its ear, in one fell swoop. The Comprehensive Plan clearly provides for growth around *existing* center cores. The DEIS describes the Town's basic concentric plan- centered around the *existing* center core, the densely zoned and populated area of Monsey, and moving out in concentric circles, more or less, to less and less populated areas of the town. Among the least populated areas is the Route 202 vicinity --- the location of the 209 acres of Patrick Farms.

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

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

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

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

Response 3.4-1F: *Refer to Response 3.4-1E. The area between Grandview Avenue north to US Route 202, with the exception of the Patrick Farm site, is not a rural unpopulated area. It is completely developed to the maximum extent allowed by zoning. The lots in the development to the south of the Patrick Farm site are predominantly 15,000 square foot lots, which results in densities higher than the overall density proposed at Patrick Farm (Refer to Figure 1). The Patrick Farm site is large enough to provide multifamily housing and still retain the character of single family development which is consistent with the surrounding land uses.*

*NY Route 202 serves as a barrier which separates the single family development on 1 acre lots from the area north of Route 202 where the lots are predominantly 2 acre lots. The DEIS documents the likely changes that would occur in the area after the project is developed. These changes acknowledge the use of the property with a mix of housing types. However, the existing community will be visually buffered from multifamily use. Other negative impacts are simply unlikely to occur. Traffic growth is anticipated but without undue congestion. Stormwater will be properly managed. Infrastructure will be improved to accommodate future use. The Town of Ramapo will be well served in responding to the population growth that **is** taking place here.*

Comment 3.4-1G (Letter #15, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): The DEIS purports that the proposed rezoning of 61 acres of the 208.5-acre Patrick Farm site from R-40 to MR-8 to allow mixed density residential development is consistent with the goals and objectives of the Town's Comprehensive Plan adopted in 2004. The applicant is relying on a very general housing goal that states, "Address the Town's housing needs and provide for a diversity of housing opportunities for the Town's growing and changing population." The 2004 Plan was very specific about the appropriate placement of multi-family housing developments. On page B-1, it is noted,"... there is still a

growing need to significantly increase the variety of housing stock within the unincorporated area of the Town, particularly within certain area such as Monsey." The recommended criteria for placement within a multi-family district are listed on pages B-5 and B-6. The Patrick Farm site does not meet several of the recommended criteria. The site is not located on Route 59, it is not within an area that contains existing high density residential or commercial development, and it does not have pedestrian access or is not within close proximity to community shopping. The existing sewer infrastructure cannot accommodate this proposal. The site is encumbered by environmental constraints such as steep slopes, wetlands, streams, and floodplains.

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

Response 3.4-1G: *As substantiated in the DEIS Housing Needs Assessment and the Housing Demand Market Analysis included as Appendix C, the applicant has demonstrated there is a continued need for multifamily housing in the Town. The properties identified for use as multifamily proximate to NYS Route 59 are insufficient to meet this need. The confluence of NYS Route 306 and US Route 202 provide excellent access to the site, without disturbing the interior of residential neighborhoods. The people who choose to live in dwelling units other than typical single family houses should not be limited from residing in the northern portion of the Town of Ramapo. Every neighborhood should share in accommodating below market rate housing and diversity of housing types and price points. Neither the Village of Pomona nor the Village of Wesley Hills have provisions for any type of housing diversity other than up-scale single family housing. In today's Smart Growth environment, it is advantageous to provide a diversity of housing alternatives in more areas than just adjacent to strip commercial development.*

Comment 3.4-1H (Letter #15, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): As noted in our GML review of the proposed amendments to the Comprehensive Plan and the Zoning Code, it has not been satisfactorily established that proposed mixed density development would be compatible with the community character and trends of the project's surrounding area. While increasing residential density and the variety of housing opportunities in the Town of Ramapo were general goals of the Comprehensive Plan, very specific areas in Monsey were identified as appropriate locations for multifamily housing. The eight-fold increase in residential density permitted in the MR-8 zoning district will impact the community character of the surrounding area, and will not conform to the existing land use pattern.

Response 3.4-1H: *Comprehensive Plans are general documents that identify a series of goals and sometimes (not always) a path for implementation. It is the applicant's view that a community has the right and the obligation to continually seek ways to implement the goals of the Comprehensive Plan. Over time, such opportunities may present themselves as a result of economic forces or changes, new infrastructure, decaying infrastructure, new rules or regulations or proposals from the private sector, among others. The character of a community is constantly changing as land becomes developed. If the Patrick Farm site were developed solely in single family homes, the character of the community would undergo a change. The questions addressed in the DEIS related to whether or not there would be significant adverse effects on community character as a result of the proposed Patrick Farm project. This evaluation requires the lead agency to balance anticipated community character changes against the benefits of*

diverse housing, more affordable choices in housing, an improved tax base and the creation of construction jobs over an extended period of time, and infrastructure improvements.

Comment 3.4-1I (Letter #15, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): The statement on, Page 3.4-11 that the proposed development plan incorporates the benefits of a clustered development by providing a balance between accommodating additional population growth and preserving the site's existing natural resources can be questioned. The residential clustering that was recommended for the Patrick Farm site in the Town's Comprehensive Plan did not involve an increase in residential density. The same number of single-family residences would be permitted on smaller lots in a cluster subdivision in order to preserve larger areas of undisturbed open space. The proposal to allow "a greater core density and lower density in, the periphery" cannot be compared average density or a concentric zoning scheme. Traditional concentric zoning results a gradual change in densities. The location of the MR-8 zoning district immediately adjacent to an R-40 zoning district is not transitional in nature. This area of unincorporated Ramapo was not envisioned as appropriate for multi-family development in either the Town's Comprehensive Plan or the County's River to Ridge Plan. The most appropriate locations for multi-family zoning districts were determined to be within and around the Route 59 corridor in central Monsey.

Response 3.4-1I: *Comment noted. Refer to Responses 3.4-1G and 3.4-1H. As stated above, the applicant has demonstrated the continued need for areas of multifamily housing which exceeds the capabilities of the areas presently zoned. it is desirable to designate areas of housing diversity in more areas than exclusively adjacent to Route 59 corridor . Placement of several areas of multifamily housing will result in an integration of housing diversity throughout a community. The future single family residents of Patrick Farm will have the advantage of knowing in advance that multifamily housing will be located adjacent to their property and they will be free to choose to live there or not. In order for the Town to meet its own stated goal of providing a diversity of housing, particularly in today's economic climate, some portion of Unincorporated Ramapo should be available to provide housing diversity with regard to price point, style and form of ownership. As stated previously, the Rockland County River to Ridge Plan was never officially adopted and thus should only be used as a very general guideline in terms of policy decisions.*

Comment 3.4-1J (Letter #16, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): Under the existing Ramapo Comprehensive Plan, multi-family residential zones were created in Monsey in the vicinity of Route 59 to meet the Town's needs for additional housing, including an increased diversity of housing types and price points to meet the needs of the general population. The County's River to Ridge Plan also recommended that denser residential development be located within existing village centers. Permitting denser residential development in outlying areas of the Town may be inappropriate when areas already identified for multi-family housing in the existing Comprehensive Plan, have not been developed.

Response 3.4-1J: *Refer to Response 3.4-1L and Response 3.4-1H.*

Comment 3.4-1K (Letter #16, Salvatore Corallo, Commissioner, County of Planning Department of Planning, July 24, 2009): As discussed above, traditional concentric zoning represents a gradual change in densities. The location of an MR-8 zoning district immediately adjacent to an R-40 zoning district is not transitional in nature or consistent with the community character of the surrounding rural density zones in unincorporated Ramapo or the low density zones in the adjacent Villages of Pomona and Wesley Hills. A ring of single-family residences around the perimeter of the multi-family housing development may not be a sufficient buffer particularly since the majority of single-family home; will not be constructed until the final phases of the project.

Response 3.4-1K: During the interim period where the single family peripheral area is pending construction, the multifamily development will be surrounded by buffers of undeveloped forested land. This is particularly true for the residences along Scenic Drive. There will be more than 1,000 feet of undisturbed land and then the 5 acre Farm pond, between the existing residences along Scenic Drive and the proposed multifamily portion of the project. The multifamily zone is well buffered from existing single family housing. In this regard, the notion that it is inconsistent with existing community character may not be accurate.

Category 2: These comments have been grouped together due to their content including concerns regarding the proposed density of the Patrick Farm development and the justification for the zone change application.

Comment 3.4-2A (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): ...the Town grew by 100 households from 2000 to 2007. Where is the need for 497 units?

Response 3.4-2A: Refer to Response 3.4-1A.

Comment 3.4-2B (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): With no zoning change there is 50 percent less traffic. With no zoning change there is one third less water and sewer usage. With no zoning change there are one third fewer school age children. With no zoning change there is one third population increases, thus less strain on the services. With no zone change there is 40 percent less woodland disturbances. And with no zone change there is 40 percent less impervious material.

Response 3.4-2B: In the Village of Pomona 24 percent of the population is under the age of 20. In the next ten to twenty years these family numbers are likely to move from the family homestead. Some will relocated out of the area, others will seek housing in or near the Village. While existing multifamily zones may take some time to see construction given the depth of the current recession, it is still expected that population growth in Pomona, Ramapo and other Rockland communities will continue in the foreseeable future.

The Patrick Farm project provides a unique opportunity to fulfill the general goals of the Town of Ramapo's Comprehensive Plan, and addresses the very real issue of population growth in Rockland County.

Additional discussion in support of this need and the estimated absorption of the proposed residences is included in the Housing Demand Market Analysis as Appendix C of this FEIS. The environmental studies conducted in preparing the DEIS detail the impacts and proposed mitigation to accommodate both the traffic and the population increase including school children.

Comment 3.4-2C (Ms. Shapiro, Scenic Drive, Public Hearing Transcript, June 4, 2009):

The application would have the Board change the zoning on the Patrick Farm. It would allow 410 multifamily homes in the center of the property, while maintaining a 40,000-square foot lot perimeter. And they claim that this is in keeping with the Ramapo concentric zoning and a form of cluster zoning.

Response 3.4-2C: *"Under the future Land Use Policies of the 2004 Comprehensive Plan it states, "The overall pattern of land uses and intensities recommended on the Land Use Plan generally mirrors the existing pattern in the Town - with the highest development intensity found in Monsey (particularly in proximity to Route 59) and a decreasing level of development intensity in roughly concentric circles around this area. However certain deviations from this overall pattern currently exist (e.g., a concentration of commercial development along Route 202 in the Pomona area) and certain deviations from this overall pattern are recommended in this Plan in order to achieve specific goals and objectives." (page D-2).*

The Plan also states, "As the Town continues to grow in the future, the town may find it necessary to rezone other properties in the Town to a multi-family district in order to meet the housing need." (page B-8)

The plan further states "The appropriate residential density results from an examination of many factors including:

- The form and intensity of residential development in relation to the nature of the surrounding neighborhood.*
- The capacity of the land and surrounding area to accommodate additional residential development in consideration of; the surrounding road system and opportunities for use of public transportation; sanitary sewer and public water systems; accommodation of increased stormwater runoff; and minimization to natural resources.*
- The secondary impacts of residential uses in terms of demand for public services such as schools places of worship, and recreation, and protective services." (page D-4)*

The Patrick Farm project as designed provides a buffer of single family homes to remain consistent with the surrounding neighborhood. The location and attributes of the parcel; access from two major roadways US Route 202 and NYS Route 306; regional access via the Palisades Interstate Parkway; access to existing TOR transit routes; existing sanitary sewer and public water systems; a state of the art ground water recharge system; and 45 percent undisturbed lands including the preservation of areas of steep slope and wetland areas, indicate this parcel meet the Town Comprehensive Plan's criteria for areas to be utilized in meeting the Town's housing need including the need for a diversity of housing options in the Town.

Comment 3.4-2D (Mr. Romanowski, 177 Maple Avenue, Public Hearing Transcript, June 4, 2009): The Town adopted its current Master Plan in 2004. When the new Master Plan was created, it changed the zoning of the Patrick Farm from two acres to one acre zoning. This change doubled the density of this property. Now, after only five years, the new Master Plan you proposed you are making a major change of this property; rezoning 65 acres of this property to MR-8, to allow 497 units to be constructed on the site.

Response 3.4-2D: Refer to Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, and Response 3.4-2C.

Comment 3.4-2E (Ms. Louie, Public Hearing Transcript, June 4, 2009): ..this multifamily zoning, it has no place here. It doesn't belong here. The density is too much. It's way too much density for that corner, for that area. It's a historical, a cultural and an ecological, sensitive area that -- that has to be considered.

Response 3.4-2E: The property is 208.5 acres, and one of the largest tracts in the region. The proposed plan avoids all the historical, cultural, and ecologically sensitive areas.

Comment 3.4-2F (Mr. Cook, Public Hearing Transcript, June 4, 2009): I'm very upset that we would leap from two acres zoning to something that's close to 500 units on the same property. That's a really big stretch.

Response 3.4-2F: The proposed zone change area involves 61.3 acres of the 208.5 acre site. Most of the site (more than 70 percent) will be developed with single family housing. From outside the site, there will be a minimal impact from the zone change.

Comment 3.4-2G (Dr. Shapiro, Public Hearing Transcript, June 4, 2009): I am totally opposed to this. I'm in favor of continuing the zoning that we presently have, although it was already down zoned. Why are you protecting the inside of that property but having the outer rim, that you think is appropriate, and then you're gonna hide the inner rim that you know is not appropriate.

Response 3.4-2G: The single family development planned for much of the site including it's periphery, provides a substantial buffer and is constant with the existing single family development on adjacent properties. The proposed multi family area in the center of the site is well separated from the existing single family development in the surrounding neighborhood.

Comment 3.4-2H (Mr. Goldman, 6 Cottage Lane, Public Hearing Transcript, June 4, 2009): I'd like to ask that you continue with the Master Plan that you came up with more than seven years ago.

Response 3.4-2H: The project is consistent with many of the stated goals of the Master Plan. Refer to Response 3.4-2C. A Master Plan is not meant to be a static document, it is a guideline for the Town to rely on to meet it's stated goals. As the Plan itself states it should be reviewed every five years and adjusted as necessary.

Comment 3.4-2I (Ms. DePaola, 67 Babcock Lane, Public Hearing Transcript, June 4, 2009): I believe this plan should be down zoned for single family housing only, on one acre lots, to promote and provide an adequate, healthy lifestyle for the potential new residents, as well as the long standing, proud Ramapo citizens.

Response 3.4-2I: Comment noted. Ramapo citizens continue to have children, many of whom will require housing in another 5 or 10 years. The existing low density zoning fabric of the Town will not accommodate the future housing it's citizens based upon population projections over the next 20 years.

Comment 3.4-2J (Mr. Heavner, Quaker Road, Public Hearing Transcript, June 4, 2009): This project doesn't fit at this location. Two-acre zoning, one acre zoning, it keeps going down and down. The politician, the people elected, came up with a Master Plan, and that Master Plan should be followed.

Response 3.4-2J: Refer to Response 3.4-2H.

Comment 3.4-2K (Mr. Heavner, Quaker Road, Public Hearing Transcript, June 4, 2009): My one simple point is follow the Master Plan. It's okay to bend the rules, but please don't break them.

Response 3.4-2K: The Comprehensive Plan is a guide not a mandate and in many respects the project is consistent with many of the stated goals of the Master Plan. Refer to Response 3.4-2C.

Comment 3.4-2L (Mr. Goldman, Public Hearing Transcript, June 8, 2009): ...it's gonna effect the Town of Haverstraw, it's gonna effect the Town of Clarkstown, it's gonna effect all the way to Stony Point. It's a county wide effect that's gonna happen from this project being so large. You can't take a small area and put potentially 4,000 people, Mr. Supervisor, into a tiny little area. That property was never meant to have that kind of people.

Response 3.4-2L: The proposed project is expected to result in a population increase of 1,932 persons; not 4,000. In order to determine the number of persons and school-age children that would be generated by Patrick Farm, multipliers published by various sources were reviewed to determine which multipliers would be appropriate for the type of housing product that is proposed. A review of the 2000 US Census data for the villages of Suffern, Monsey, Pomona and Spring Valley were reviewed, in addition to the population projections for the design volume of water and sewer utilization. The data were compared to the demographic multipliers in the Burchell and Listokin population research for the Rutgers University Center of Demographic Research published in June 2006, included as DEIS Appendix J. Since the Rutgers University data were specific to geographic region and broken down by bedroom count, these multipliers were relied upon to estimate the project's population, including school-age children. For purposes of the population analysis, the population projection for Patrick Farm is based on the demographic information for the "Single family attached and detached categories" of housing types for New York State and is based on the 2000 US Census Bureau data.

Comment 3.4-2M (Ms. Rosenblum, 13 Scenic Drive, Public Hearing Transcript, June 8, 2009): We have lived in Rockland County for 25 years. We moved to Pomona -- to Pomona about five years ago. We came from a densely populated area of New York. We now live on Scenic Drive, a block from Patrick Farm. We do not want our area to become a crowded thoroughfare. The builders assure us the plan will not effect us. How can it not, with the amount of people and the traffic that will come? I challenge you, Supervisor St. Lawrence and the Board, to do the right thing, to say no to variances.

Response 3.4-2M: *The property across from Scenic Drive will remain zoned R-40. The Applicant proposes to develop single family housing in this area. There is more than 1,000 feet and the farm pond between Scenic Drive and the proposed multifamily portion of the Patrick Farm project.*

Comment 3.4-2N (Ms. Louie, Public Hearing Transcript, June 8, 2009): You're gonna take an area and plop down 4,000 people in a village of three - right against a Village that only has 3,000, and is maxed out by our major -- by our Comprehensive Plan. It's maxed out for the area, according to, you know, our Comprehensive Plan that was originally formed. So if that's maxed out, then how could a small area almost a fraction of the size of the Village of Pomona hold more people than we have in our entire Village?

Response 3.4-2N: *The proposed project is expected to result in a population increase of 1,932 persons not 4,000. The Village of Pomona is exclusively zoned R-40 providing only single family housing with no provision for multifamily housing and little diversity in terms of price points or housing choices.*

Comment 3.4-2O (Deputy Mayor Yagel, Public Hearing Transcript June 8, 2009): In regards to the Patrick Farm property, there were many, many, many meetings on the Comprehensive Plan that the Town took to redo back in 2001. In 1966 or in the late Sixties Ramapo was a model regarding comprehensive master plans. It was the first time in the United States that a municipality was able to defend it's Comprehensive Master Plan. Unfortunately what happened is Ramapo didn't enforce what it put on the books. Fast forward to 2002, 2003, 2004 we've had Town Council members say, the reason we need to adopt adult student housing is if I don't do it, I'm gonna get sued. One of the other reasons was, we have to make what's illegal legal, Why? What's happening and what is being proposed by the applicant should not be happening.

Response 3.4-2O: *The applicant is not proposing any form of Adult Student Housing. Nor are there any illegal uses on the site.*

Comment 3.4-2P (Deputy Mayor Yagel, Public Hearing Transcript, June 8, 2009): A Comprehensive Plan is supposed to be long reaching, not something that is pushed aside and changed every five years.

Why don't you go back and look at what the Comprehensive Plan of 1966 had? See what can be used from that. Apply that is this circumstance.

I strongly urge you not to approve this zoning change.

Response 3.4-2P: *The 1966 Comprehensive Plan has been updated based upon the changes in population, infrastructure improvements and in order to be in compliance with laws which have been passed since 1966. The population of Ramapo in 1966 was 58,626 persons. Today the population is approximately 113,000. The 1966 Comprehensive Plan is simply not applicable to current circumstances in the Town. As stated, the project as proposed meets several of the stated goals in the 2004 Comprehensive Plan and as discussed in Response 3.2-4C, the project site has many attributes which would facilitate multifamily housing in this location.*

Comment 3.4-2Q (Deputy Mayor Yagel, Public Hearing Transcript, June 8, 2009): Do not change the zoning. By right the applicant has the right to develop 136 homes on the property. They could do cluster development, 136 town homes. Allow that. Do not allow what is being proposed.

Response 3.4-2Q: *The applicant has provided a comparison of the benefits and impacts of both the proposed project and development under the as-of-right plan. The as-of-right plan does not meet the Town's goals for a diversity of housing including below market rate workforce housing and housing for community service workers which are included in the proposed project.*

Comment 3.4-2R (Mr. Higgins, Public Hearing Transcript, June 8, 2009): Mr. St. Lawrence, this type of over development should not be allowed in this area.

Response 3.4-2R: *Comment noted.*

Comment 3.4-2S (Ms. Maniscalco, Resident of Village of Pomona, Public Hearing Transcript, June 8, 2009): If this builder does get permission to build, why can't he just build single family homes, on one acre of land? We are hoping that people who plan to move into this area of Pomona will be community minded people, who will obey Village and Town laws, and would possibly send their children to our public schools.

Response 3.4-2S: *It is expected that the residents of multifamily housing will be law abiding, community minded people. The school district is expected to receive annually \$3,374,801 from the proposed project to which is anticipated to result in an annual net benefit of \$753,227 after considering the costs of the additional student population.*

Comment 3.4-2T (Mr. Drennen, Public Hearing Transcript, June 8, 2009): Down zoning. It was horrendous to go from two to one, but look what you're doing now.

Response 3.4-2T: *Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P.*

Comment 3.4-2U (Mr. Drennen, Public Hearing Transcript, June 8, 2009): I would like to see you rethink this, go back to the drawing board and probably now, since the zoning is R-40, go to R-40 zoning, leave it at that, get your taxes, and not impact us as much.

Response 3.4-2U: Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P.

Comment 3.4-2V (Mr. Saraceno, 125 Camp Hill Road, Public Hearing Transcript, June 8, 2009): What I think is occurring is there is a reluctance for development in the area because there's similarly so many, well, we want to do this, we need an exception for that and these variances. I understand the right for variances when there's a hardship. This is not a hardship. You can fit homes in compliance with the existing zoning, and I think that's what should be adhered to.

Response 3.4-2V: Comment noted. The homes which could be built in compliance with the existing zoning do not meet the need, as described in the Comprehensive Plan, for a diversity of housing in terms of value, style or form of ownership, nor the need for workforce housing and community service worker apartments. Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P.

Comment 3.4-2W (Mr. Saraceno, 125 Camp Hill Road, Public Hearing Transcript, June 8, 2009): I think you need to go back to the drawing board. The developer, the community the Planning Board and work together. It is inevitable the site will be developed, but let's develop it with intelligence. Let's develop it with concern for the community. Let's be smart about it. Because there is good development, and then there's development just for the sake of putting something on a piece of land to make money off it. And when you densely populate a piece of land like this, which is what I see in those plans, I don't think there's been sufficient foresight and planning. I think it needs to be rethought, reengineered, reevaluated, and the community brought in to work with the Board, the Planning Board, the Zoning Board, and the developers to come back with a plan that works for everyone.

Response 3.4-2W: Comment noted. This application has been the subject of intense scrutiny by all Town departments, outside consultants to the Town and the public at large over a lengthy period of time.

Comment 3.4-2X (Mr. Solomon, Public Hearing Transcript, June 8, 2009): A zone change for multifamily housing should not even be considered.

Response 3.4-2X: Comment noted. Every applicant has the right to request a zone change specific to a proposed project.

Comment 3.4-2Y (Mr. Parietti, Public Hearing Transcript, June 8, 2009): The one thing I think that's interesting about this hearing, is the fact that the zoning change in question is objected to by every single person that lives anywhere near it. And it is favored by people who don't live anywhere near it. And that's been the problem over the past several years; is that we don't have any representation. You never listen to us. We should have some say over the zoning that goes on in amongst our neighborhoods and our houses. And we have none.

Response 3.4-2Y: Persons with the strongest objections on any given matter are most often highly motivated to attend public hearings. However it is inaccurate to state that every single person that lives near Patrick Farm opposes the rezoning. There were a

significant number of people in attendance at the hearings who spoke in favor of the proposed project.

Comment 3.4-2Z (Mr. Parietti, Public Hearing Transcript, June 8, 2009): This Patrick Farm thing, it sits on the head waters of the Mahwah River. You're gonna talk about how you try to preserve the Town and open space and the water and all that. It's right on the head waters of the Mahwah River. There is no need for this high density. Sure for the first responders, absolutely. We all agree on that. And we could easily accommodate that. But you don't have to rezone the entire 200-acre piece of property to put a bunch of high density housing there.

Response 3.4-2Z: *Approximately 61.3 acres, or less than 30 percent of the total 208.5 acres are covered by the rezoning application. The zoning on the remaining 147.2 acres will remain R-40 and R-80 as it is presently zoned. The headwaters of the Mahwah River are not on the subject site but rather located within the Harriman State Park complex which is to remain forever wild and is located on the opposite side of US Route 202.*

Comment 3.4-2AA (Letter #2, Sandra Solomon, Resident, June 30, 2009): I know change must occur, unfortunately I do expect change to occur in the 200 acres comprising the Patrick Farm. The original zoning allowed 1 house to be built on 2 acres. This changed to 1 acre zoning. Now the builders are requesting a zone change for multifamily housing. Traffic signs in mid-man. and 5th av read; "don't even think of parking here" — that is what is say for the request of a zone change to multi-family housing — not to be considered. The builder is by nature greedy. Give them what they want — soon they will ask for more — variances and variances, where will the Patrick farm be and it's impact on all surrounding areas in Ramapo?

Response 3.4-2AA: *Comment noted.*

Comment 3.4-2BB (Letter #3, Lee Ross, Resident, July 1, 2009): The owners of this property purchased it knowing how it was zoned. It has been said at various hearings over the years that Scenic Development (the owners) cannot make a profit if they cannot build multi-family housing. This is NOT the Town's problem or concern. It is not the government's province to ensure that any private entity makes a profit. Neither I nor my neighbors have any interest in whether or not Scenic Development makes a profit. It is none of our business and we should not have to alter and disrupt our lives, and see our surrounding neighborhood destroyed forever to benefit them economically or otherwise.

Response 3.4-2BB: *The project as designed is being proposed to meet a variety of housing needs in the Town, as set forth in the, Comprehensive Plan, the Housing Demand Marketing Analysis and the Real Estate Appraisal Report included in the DEIS. Although there will be short term construction impacts, there is no evidence to suggest that lives will be disrupted or that surrounding neighborhoods will be destroyed.*

Comment 3.4-2CC (Letter #3, Lee Ross, Resident, July 1, 2009): No matter how pretty the pictures and artist's rendering are, they are irrelevant. This land was zoned for SINGLE FAMILY RESIDENCES. People who invested their life savings in their homes in this area did so based on the zoning ... an implied covenant between the Town and the residents that this area would sustain ONLY single family homes. By permitting this down zoning, you are breaking that covenant without any reason except to maximize the profits of a private entity. You have no right to break that covenant for the financial gain of your political allies. It is a sellout of your responsibility to the residents of this Town who live in the area.

Response 3.4-2CC: *Zoning is not an implied covenant between anyone, but rather a tool to manage land use and assist a community in addressing its goals and needs. Zoning changes take place on a regular basis throughout the U.S. and address a wide variety of community goals. It is likely that as population increases in the northeast, that further zoning changes will be necessary to address population dynamics and associated housing needs. More than 70 percent of the project site will remain as single family development. The community service worker apartments, to be located on NYS Route 306 have been placed there to be convenient to the Hillcrest Fire Station. As is shown in DEIS Figure 2-7 the visual impact along US Route 202 will be minimal in the vicinity of the proposed site access, and will be even less evident further to the south where the ridge line and existing stone walls will be completely preserved. The project meets the need for a diversity of housing types and price points in the Town of Ramapo and the region in general.*

Comment 3.4-2DD (Letter #4, Doris F. Ulman, Attorney at Law, July 6, 2009): Table 1 on Page 1-7 of the DEIS shows that there is no need for the proposed zone change. The Table shows that population has increased by the same percentage as family size. The number of households has increased by only 115 over the 7 year period while the number of housing units has increased by 1,000. The increase in housing units is more than adequate to address the housing needs of the increase in households. Why do we need 497 units at the Patrick Farm site?

Response 3.4-2DD: *The housing proposed at Patrick Farm includes 87 single family homes which are similar to the majority of existing homes in the area and will be priced consistent with the market value in this area. The unique attribute of the proposed project is that it provides a different type of housing at a different price point than the housing which is available now. Something that is sorely needed given the current state of the economy and associated unemployment and depressed salaries and incomes of many Rockland County residents. The median value of the existing housing in Ramapo has increased more than 100 percent, but income levels have not.*

Category 3 These comments have been grouped together due to their content including concerns regarding the proposed Patrick Farm development and its compatibility with the current land use of the area.

Comment 3.4-3A (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): The DEIS Page 1-6 says the project proposed will have no impact on land use and zoning. This is an incorrect conclusion, since the subject property is surrounded by single family residences and open space, such as recreational and public lands. This project is definitely going to change the character of the neighborhood.

Response 3.4-3A: *Upon completion the project will consist of 147.2 acres of land, more than 70 percent of the project site, which will remain zoned for single family development. Of the total 208.5 acres, more than 45 percent will remain as undisturbed open space. The proposed multifamily development will be insulated from the surrounding neighborhoods by the peripheral ring of single family development. Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P.*

Comment 3.4-3B (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): The project isn't compatible with the Ramapo Comprehensive Plan, nor is it compatible with surrounding uses.

Response 3.4-3B: The project is proposed to meet the stated goal of the Comprehensive Plan to "Address the Town's Housing need and provide for a diversity of housing opportunities for the Town's growing and changing population." As indicated in the Housing Needs Assessment included in the DEIS and further supported by the Housing Demand Market Analysis included as Appendix C in this FEIS, the Patrick Farm project meets the demonstrated need for market rate multifamily housing and below market rate workforce housing including community service worker rental apartments. Refer to Response 3.4-2C for additional information as to how the project relates to the 2004 Comprehensive Plan. Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P.

Comment 3.4-3C (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): The Comprehensive Plan adopted in 2004, created the MR-8 and MR-16 zones in order to accommodate the diversity of housing needs that the applicant says are necessary at this particular location. The multifamily zones previously established have not been built out. Where is the need for the project?

Response 3.4-3C: Based upon the size of the site and the transitional buffer of single family houses which surround the proposed multifamily portion of the project, no impacts to land use is anticipated, thus further no mitigation is proposed.

Comment 3.4-3D (Ms. Shapiro, Scenic Drive, Public Hearing Transcript, June 4, 2009): The result will change a beautiful historic site of trees and bushes, slopes and valleys, to a stripped pool table site, with mass produced four bedroom town houses and apartments, and five bedroom homes.

Response 3.4-3D: Comment noted. Development of the site, even if done solely under the existing zoning, would result in disturbance to much of the property.

Comment 3.4-3E (Mr. Goldman, Public Hearing Transcript, June 8, 2009): This project isn't in moderation. It's not going to help our environment. It's not going to help our community as it stands. It's going to ruin our environment. It's going to ruin our community. And it's going to over populate our area. This is one of the most pristine pieces of property still left in northern Rockland, of Ramapo. And it's gonna be taken. It's gonna be over built. And it's not gonna look anything like it did in the past. It's just going to be ruined. It should remain as forever green as park land, Mr. Supervisor.

If they want to build, they already have permission to build on one acre lots. Let'em build on their one acre lots. Let'em build what they were allowed to build. Don't go changing the Master Plan. Don't go changing the zoning again. Leave it the way it is. They're entitled to build.

Response 3.4-3E: The creation of housing does not cause over population. Housing is built in response to existing population growth, and in fact, growth that has already occurred. Building on one acre lots would not meet the need for diversity of housing, nor the need for below market rate workforce housing or community service worker rental apartments.

Comment 3.4-3F (Ms. Louie, Public Hearing Transcript, June 8, 2009): Patrick Farm project, 4,000 people. The Lebovakov Congregation is 100 and 150 people. The yet to be proposed Tartikov College six thousand people right across the street. Village of Pomona has just recently approved a Haley II project of 41 homes, which, by the way, took almost ten years to go through our approval process, because our zoning is so strict, and we make sure that our projects adhere to the letter of the law and to the zoning and the Comprehensive Plan, but it is approved now, and they will start building homes there. There's the Diltz project, that will be bringing in nursery school children potentially. There's the project on Route 202, near the Palisades Parkway, that straddles Ramapo and Haverstraw. That's going to be over 2,000 people there. There's the Babcock Lane Project, which will be several hundred people. You're talking about 13,000 people being plopped down at the foot hills of the Harriman State Park, within a -- a time limit of just a couple of years. The decision you're making here is huge. Like I can't even comprehend that your Zoning Board is turning its back and just handing out variances on all these projects in a vacuum that you're considering it shouldn't be on the table in this area, when, you know, you're constantly in the paper, Mr. Supervisor, about how you preserve Ramapo, how you're preserving the land.

Response 3.4-3F: *The commenter's population estimates are overstated. The projected population of the Patrick Farm project is 1,932 persons not 4,000 people. The Miniscengo Park project which borders Ramapo and Haverstraw has been reduced to 200 units thus the projected occupancy of that project is less than 770 persons, not 2,000 persons.*

It is again noted that housing is built to respond to existing population growth. Housing does not make the population change. By not planning for population for housing in a region where population growth has occurred, and is expected to continue to occur is poor planning. Population trends in Rockland County have leveled off after many years of rapid growth. Nevertheless, growth is projected to continue for the foreseeable future. the County population is projected to grow by 10,000 persons in the next ten years. The proposed Patrick Farm project represents a reasonable reaction to that growth. The commitment to the single family home, as the answer to all of the County's housing needs, is not responsible nor does it address the socioeconomic range of people expected to be seeking housing. Teachers, service workers, and laborers need housing they can afford. New participants in the housing market (young families, recent high school and college graduates) must also be provided for. The requested zone change, which allows multifamily housing which is more affordable than the prevalent single family homes in the area is not viewed as planning in a vacuum, but rather planning with an eye towards the needs of the Town and the County.

Comment 3.4-3G (Mr. Higgins, Public Hearing Transcript, June 8, 2009): As resident of the Town of Ramapo I'm here tonight to express my discontent with the proposed zoning changes that are under consideration.

I think it's a shame that the Zoning Board will consider destroying a community for the benefit of future residents. What about protecting the rights of current tax paying residents who are living in the area and do not want to see their neighborhood change due to over population? What benefit does this new zoning provide to us? We heard about what it provides to other people in the County, but what does it provide to us, the people residing in the area? The answer is none. But if I ask you: What negative consequences will it have -- will we have to endure? The answer is many. Because this is surety. What will happen when you basically double the population of a

community and allow construction of buildings that will dwarf the single family homes and -- that are currently in place, increasing traffic flow, jeopardizing safety, over burdening our infrastructure. And let's not forget the environmental impacts.

Response 3.4-3G: *Comment noted. Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P.*

In addition to providing a diversity of housing, the project as proposed will upgrade the sewer facilities in the area, will provide a state of the art groundwater recharge system and will result in a net tax benefit to both the town and the School District. To the Town an annual net benefit of \$606,893 will be realized and to the East Ramapo School District more than \$750,000 annually will be realized.

Comment 3.4-3H (Mr. Romanowski, 177 Maple Avenue, Public Hearing Transcript, June 8, 2009): The last thing I want to say is I ask this Town Board to say no to this developmental attack that is being waged on Pomona.

Response 3.4-3H: *The Village of Pomona has no provision for multifamily housing. It is zoned exclusively R-40 throughout the entire Village. The Patrick Farm project which is located within the unincorporated portion of the Town of Ramapo will address the need for housing diversity on a local and regional basis.*

Comment 3.4-3I (Ms. Maniscalco, Resident of Village of Pomona, Public Hearing Transcript, June 8, 2009): If building on the level that is planned, this area would change drastically forever. Pictures of housing, with beautiful landscaping look wonderful on paper, but we know better. Just drive down Route 306, into Monsey.

The good people of Pomona are not only having to deal with the Patrick Farm development, but also the property across from Patrick Farm, on Route 306, where plans are to build a rabbinical college and housing and other buildings and parking to accommodate at least 5,000 people. We also have to contend with the Bergis Meredith property on North Camp Hill Road, where plans are to build a boys yeshiva and dormitories and parking facilities. This property has much historical value to it, and needs to be preserved for the future.

We already have a girls orthodox school located on South Camp Hill Road that will be accommodating over 500 students, but has not actually been operating. Once they do, we will have to deal with that over population in a small area, and much traffic.

Just east of Route 202, across from the Pace Setter Shopping Center, plans are being developed for 219 housing units and 16 stores.

Response 3.4-3I: *The Miniscengo Park project located across from the Pace Setter Shopping Center has been reduced several times during the course of it's environmental review. The Tartikov Rabbinical College project has not yet even submitted a site plan for consideration. However, the cumulative effect of these potential projects has been included in the analysis of impacts for the Patrick Farm project in order to assess the maximum impact scenario.*

Comment 3.4-3J (Ms. Maniscalco, Resident of Village of Pomona, Public Hearing Transcript, June 8, 2009): Can you sit there and tell us truthfully that these housing developments will help us alleviate higher taxes, promote more jobs, increase our school population, which has been declining yearly, eliminate traffic, preserve more open space and protect our wetlands, prevent less crime? Do you really think building on the level that is planned will enhance our community?

Response 3.4-3J: The applicant has proposed a project designed to meet specific housing needs in the Town, as identified in the Comprehensive Plan. The DEIS portrays an accurate projection of the likely changes that will accompany this project.

Comment 3.4-3K (Mr. Drennen, Public Hearing Transcript, June 8, 2009): Affordable housing is needed. However, the new trend, which apparently Ramapo is not getting, is to develop town centers. Housing, affordable housing, out here, if the people don't have a car, is going to be a problem to get to services, grocery stores, etcetera. I submit that you want to go back and look at the new concept which is going basically nation wide to develop town centers.

Response 3.4-3K: The Town of Ramapo Comprehensive Plan identifies a concentration of commercial space along Route 202 in the Pomona Area. "The overall pattern of land uses and intensities recommended on the Land Use Plan generally mirrors the existing pattern in the Town - with the highest development intensity found in Monsey (particularly in proximity to Route 59) and a decreasing level of development intensity in roughly concentric circles around this area. However certain deviations from this overall pattern currently exist (e.g., a concentration of commercial development along Route 202 in the Pomona area) and certain deviations from this overall pattern are recommended in this Plan in order to achieve specific goals and objectives." (See Comprehensive Plan, page D-2).

Given it's excellent regional access, development along US Route 202 is likely to continue as evidenced by the Miniscengo Park Project west of the Palisades Parkway on the north side of US Route 202. As a commercial center, this area will be an easy bus ride or short car trip from Patrick Farm.

Comment 3.4-3L (Mr. Meyers, Public Hearing Transcript, June 8, 2008): I also came from Queens to a place that I expected would be a suburban area, and for the most part so far it has, but I do see that slipping away. And I do see that slipping away because of the decisions that have been made at the different levels of Ramapo Town government.

Response 3.4-3L: Comment noted. It is the intent of this process to balance the social and economic needs of the Ramapo community against other matters such as the impacts of land development. The Ramapo Town government has to make decisions that balance the needs of the community as a whole.

Comment 3.4-3M (Letter #4, Doris F. Ulman, Attorney at Law, July 6, 2009): Page 1-15 of the DEIS states that the proposed action is compatible with the character and community trends of the project's surrounding area. Nothing could be further from the truth. The subject property is actually surrounded by single family homes and vacant land. If there are any two family or multi-family houses in the neighborhood they are illegal uses. The closest commercial use is more than one half mile from the Patrick Farm. The statement that "No significant adverse impacts to community character and development trends are expected from the proposed action" is a conclusion not based on fact.

Response 3.4-3M: Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P. Of the 208.5 acres 147.2 will be developed as single family residential housing, less than 30 percent of the project site is committed to multifamily development. The subject property is surrounded by single family development and dedicated parkland. Based upon the studies included in the DEIS It is the applicant's view that the proposed project will not result in significant impacts to community character.

Comment 3.4-3N (Letter #4, Doris F. Ulman, Attorney at Law, July 6, 2009): The discussion of property values, in particular the comparison of the subject project to the Crystal Hills project on page 1-29 is like comparing apples to oranges. The entrance to the Crystal Hills project is directly opposite a strip mall shopping center; the property immediately adjacent to Crystal Hills is a gas station. Of course Crystal Hills is not going to depress property values, i.e., it has probably increased values. However, Patrick Farm is not in a commercial neighborhood. As stated above it is surrounded by single family houses and vacant land. Multifamily housing will have an adverse effect on surrounding single family residential property values.

Response 3.4-3N: A real estate appraisal was conducted as part of the DEIS, it included an assessment of Crystal Hills, evaluated the impact of the construction of Crystal Hills on adjacent single family home values. The single family homes evaluated were located along US Route 202 similar to the Patrick Farm project. The real estate Assessment evaluated the **change** in value as a result of the construction of Crystal Hills and found that there was no decline in real estate values of surrounding Single Family homes as a result of construction of Crystal Hills. Any effect on overall value as a result of proximity to commercial areas is a variable that would have remained constant in assessing the change as a result of development of Crystal Hills.

Comment 3.4-3O (Letter #15, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): The potential impacts of this project on land use and zoning are discussed in Section 1.4.4 of the Executive Summary. It is stated that "based upon the area of single family houses to encircle the multi-family development, the existing residential character of the adjacent areas to the north, south and east will be preserved," This passage goes on to state, "preservation of areas of open space and significant landscape buffer areas will further reduce the impacts to community character. The conclusion is that no significant adverse impacts to community character and development trend's are expected from the proposed action. Introducing a sizable new development with permitted densities of up to eight units per acre where all the surrounding residential densities range from approximately one unit per half-acre to one unit per two acres raises issues of community character. The issue is further raised by the new development's proposed use of townhouses, condominiums and rental apartments as the predominant residential unit types in an area where the surrounding residential type is single-family homes. Since this will be the effect of the proposed re-zoning, we recommend that the Town carefully consider the benefits and detriments of the changes to the community character that occur as a result of the zone change.

***Response 3.4-3O:** Of the total 208.5 acres, 147.2 acres will remain as single family development. The inclusion of townhouses, condominiums and rental apartments as the predominant residential unit types is specifically targeted to address the need for a diversity of housing types and price points as documented in the Comprehensive Plan, the Housing Needs Assessment and the Housing Demand Market Analysis. The Town Board will carefully weigh all factors in evaluating if there is any impact to community character.*

Comment 3.4-3P (Letter #15, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): It is incorrectly asserted on Page 1-15 of Section 1.4.4 that the proposed future use of the Patrick Farm is consistent with the Rockland County Comprehensive Plan, The River to Ridge Plan recommended a Rural Residential zoning designation on this property with a minimum lot area requirement of 80,000 SF.

***Response 3.4-3P:** The River to Ridge Plan was never formally adopted and has been used only as a general guideline in assessing the proposed project. Although in it's generalized Countywide zoning map the area along 202 is shown as low density single family development, other references in the River to Ridge Plan acknowledge that the Route 202 corridor has numerous vacant and under utilized parcels that could potentially be subject to development pressure. (page II-15). The River to Ridge Plan also states, "Ramapo has experienced a rapid development pace in recent years resulting in increased school enrollments and warranted infrastructure upgrades. The need to balance development with physical constraints and open space preservation is particularly evident in environmentally sensitive areas and along scenic routes.....Many of the vacant parcels along the Route 202 corridor that present infill development opportunities also contain development constraints, such as wetlands." (page II-9). The County Plan also states in its goals for affordable housing " Encourage through its General Municipal Law Reviews, the inclusion of low or moderate income housing units in large scale residential developments, particularly in areas in close proximity to transit [or transportation access], retail and recreational areas. On-site pedestrian connections should be provided to these nearby destinations." (page V-22).*

The Patrick Farm project as proposed provides diverse opportunities for housing while at the same time preserving all the on-site wetlands, significant areas of open space, and the scenic integrity of the Route 202 corridor.

Comment 3.4-3Q (Letter #15, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): The proposed action is not consistent with the goals and objectives of the County's River to Ridge Plan despite numerous references to the contrary throughout this document. The County Plan clearly recommended that the existing Rural Residential (RR-80) zoning designation be maintained.

Response 3.4-3Q: *The majority of the subject site will remain as open space or in low density single family residential use. The project will comply with the existing zoning on more than 70 percent of the land area. The area proposed for multifamily use will address multiple goals of the Town of Ramapo and Rockland County. Refer to Response 3.4-3P.*

Category 4 - These comments have been grouped together due to their content including concerns regarding spot zoning and the proposed Patrick Farm development.

Comment 3.4-4A (Mr. Celini, Diltz Road, Public Hearing Transcript, June 8, 2009): The thing that amazes me, as a concerned citizen, is that I stand before you not so qualified to tell you how to do your job. The Master Plan was my assumption that that would be your guide as a Zoning Board, to make sure that we had a sustainable community in the Town of Ramapo.

In the past three years that I've lived in the Town of Ramapo, I've seen more spot zoning that I've ever seen in my life. We are fighting zoning changes where there is a proposal on the table to build a school on top of environmentally sensitive wetlands. Literally right on top of it. Everyone here tonight has given you more than sufficient evidence to talk about the thousands of people that would be added to the community that we live in.

Response 3.4-4A *"Spot zoning" is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners. See Rodgers v. Village of Tarrytown, 302 N.Y. 115, 123, 96 N.E.2d 731, 734 (1951).*

Various considerations are relevant in assessing a spot zoning claim including the size of the area rezoned, the character of the adjacent land uses and the history of zoning, land use and growth in the area. See Yellow Lantern Kampground v. Town of Cortlandville, 279 A.D.2d 6, 9-10, 716 N.Y.S.2d 786, 788-89 (3d Dep't 2000); Boyles v. Town Board of the Town of Bethlehem, 278 A.D.2d 688, 690, 718 N.Y.S.2d 430, 432 (3d Dep't 2000); Save Our Forest Action Coalition v. City of Kingston, 246 A.D.2d 217, 221, 675 N.Y.S.2d 451, 454 (3d Dep't 1998); Miller v. Kozakiewics, NYLJ, July 25, 2000, P. 30, col. 1 (Sup. Ct. Suffolk Co. 2000)

Zoning regulations may only be adopted in compliance with a community's comprehensive plan. See Town Law § 263; Village Law § 7-704; Gernatt Asphalt Products, Inc. v. Town of Sardinia, 87 N.Y.2d 668, 684, 642 N.Y.S.2d 164, 174, 664 N.E.2d 1226, 1236 (1996); Udell v. Haas, 21 N.Y.2d 463, 235 N.E.2d 897, 288 N.Y.S.2d 888 (1968). A comprehensive plan is intended to manifest "a total planning strategy for rational allocation of land use, reflecting consideration of the needs of the community as a whole." Taylor v. Village of Head of the Harbor, 104 A.D.2d 642, 644, 480 N.Y.S.2d 21,

23 (2d Dep't 1984), *lv. denied*, 64 N.Y.2d 609, 478 N.E.2d 210, 489 N.Y.S.2d 1026 (1985); see also *Town of Bedford v. Village of Mount Kisco*, 33 N.Y.2d 178, 306 N.E.2d 155, 351 N.Y.S.2d 129 (1973), *reargument denied*, 34 N.Y.2d 668, 311 N.E.2d 655, 355 N.Y.S.2d 1027 (1974). If a zoning regulation fails to adhere to a community's comprehensive plan, the legislation is unauthorized and *ultra vires*. See *Lake Illyria Corp. v. Town of Gardiner*, 43 A.D.2d 386, 352 N.Y.S.2d 54 (3d Dept. 1974).

A town is not compelled to act only in accordance with such previously adopted land use policies if changed circumstances warrant different solutions. "Although stability and regularity are essential to the operation of zoning plans, zoning is not static; the obligation is the support of comprehensive planning with recognition of the dynamics of change, not slavish servitude to any particular plan." *Kravetz v. Plenge*, 84 A.D.2d 422, 430, 446 N.Y.S.2d 807, 812 (4th Dept. 1982); see also *Town of Bedford v. Village of Mount Kisco*, 33 N.Y.2d 178, 351 N.Y.S.2d 129, 306 N.E.2d 155 (1973), *reargument denied*, 34 N.Y.2d 668, 355 N.Y.S.2d 1027, 311 N.E.2d 655 (1974). The case law provides that if a need for the betterment of a community is demonstrated and a zoning amendment satisfies that need, such change became part of a community's comprehensive plan. See *Kravetz v. Plenge*, 84 A.D.2d 422, 446 N.Y.S.2d 807 (4th Dept. 1982). In reviewing a challenged amendment, "the court decides if it is in accordance with a well-considered plan ... by determining whether the original plan required amendment because of the community's change and growth and whether the amendment is calculated to benefit the community as a whole...." *Asian Americans for Equality v. Koch*, 72 N.Y.2d 121, 131, 531 N.Y.S.2d 782, 787, 527 N.E.2d 265, 270 (1988).

*In reviewing the planning analysis prerequisite for a zoning amendment, the validity of an amendment is not judged solely by the adequacy of a study for a particular amendment, but, instead, upon all of a town's zoning policies and plans. If a town has planned for a balanced and well-ordered community, an amendment will be upheld. See *Asian Americans for Equality v. Koch*, 72 N.Y.2d 121, 130, 531 N.Y.S.2d 782, 786-87, 527 N.E.2d 265, 269-70 (1988); *Neville v. Koch*, 173 A.D.2d 323, 575 N.Y.S.2d 463, 464 (1st Dept. 1991), *aff'd*, 79 N.Y.2d 416, 583 N.Y.S.2d 802, 593 N.E.2d 256 (1992); *King Road Materials v. Garafalo*, 173 A.D.2d 931, 569 N.Y.S.2d 790 (3d Dept. 1991).*

*To satisfy the statutory requirement that zoning legislation be enacted in accord with a comprehensive plan, a municipality need only show that the zoning amendment was adopted for a legitimate governmental purpose. An enactment is impermissibly unreasonable only if there is no reasonable relation between the end sought to be achieved by the regulation and the means used to achieve that end. See *Fred F. French Inv. Co. v. City of New York*, 39 N.Y.2d 587, 596, 385 N.Y.S.2d 5, 10, 350 N.E.2d 381, 386, *reargument denied*, 40 N.Y.2d 846, 387 N.Y.S.2d 1033, 356 N.E.2d 491, *appeal dismissed, certiorari denied*, 429 U.S. 990 (1976); *Interlaken Homeowners' Assn. v. City of Saratoga Springs*, 267 A.D.2d 842, 845, 700 N.Y.S.2d 293 (3d Dept. 1999).*

The proposed zoning amendment provides a benefit to the community as it provides a diversity of housing with regard to value, style and form of ownership, will result in infrastructure upgrades to the municipal sewer system, will install left turn lanes at the site access points and will result in net benefit tax revenues to both the Town and the East Ramapo School District. In addition because of the integrated planning of the entire development, the multi-family housing is located surrounded by single-family dwellings providing a transition to the existing residences.

Comment 3.4-4B (Ms. Ullman, Attorney for the Village of Pomona, Public Hearing Transcript, June 8, 2009): The Village of Pomona respectfully requests that you reject the amendment to the Comprehensive Plan and the zone change that are before you this evening.

The New York State Court of Appeals has defined impermissible spot zoning as quote “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner to the detriment of the other owners”, end quote.

The factors to be considered when determining if a proposal is spot zoning are as follows: One, whether the rezoning is consistent with the Comprehensive Land Use Plan

Two, whether the rezoning is compatible with surrounding uses.

Three, the likelihood of harm to surrounding properties.

The proposed rezoning fails on all three of these criteria; it is not consistent with the Comprehensive Plan adopted by the Town Board in 2004. That Plan determined that the northern most portions of the Town should be low density housing. It set a goal that high density housing should be limited to the center of the Town, generally in the Monsey area. New zoning districts were created by the Plan in the Monsey area to accommodate that higher density need, consistent with the Plan’s goal. Those areas are not yet built out and can easily accommodate the type of housing that is being proposed at the Patrick Farm site.

The 2004 Comprehensive Plan specifically identified Patrick Farm as a site of low density housing. The applicant is proposing high density housing at this site, but has provided no facts of change in circumstance to warrant a change in the Comprehensive Plan.

Since the zone change changes this property to high density housing, in direct conflict with the Comprehensive Plan, this proposal meets the first criteria for impermissible spot zoning.

It appears that the applicant believes that the zone change was consistent with the Comprehensive Plan because they are proposing an amendment to the plan to conform to the zone change. This concept puts the cart before the horse and is the opposite of what the law intends.

The second criteria is compatibility with surrounding properties. The Patrick Farm is surrounded by single family, residential properties, zoned RR-80, R-40, and R-35. There are no multifamily districts in this neighborhood. The use will be incompatible with everything around it; thus, the proposal meets the second criteria for impermissible spot zoning.

The third criteria is likelihood of harm to surrounding properties. By its nature high density housing is detrimental to single family neighborhoods by substantially increasing traffic, increasing values, and opening the door to similar zone changes.

Response 3.4-4B: Refer to Response 3.4-4A.

Comment 3.4-5 (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): The applicant has submitted a plan which includes the 12.1 acres on the north side of 202 for that acreage count. This is not permitted, because it is a separate lot, it is not contiguous, and it is not part of the development. Was this area used to determine the FAR and the impervious surface, which would also be permitted?

Response 3.4-5: Although this area is a separate tax lot, it was at one time a part of the larger parcel. It was never subdivided, however when Rockland County assigned new section block and lot numbers to this area, the parcel of land north of Route 202 was assigned a separate designation to this area.

It should be noted the land area of the 12.1 acre parcel was not included in any bulk or coverage calculations. It is envisioned that this parcel will simply remain as open space based upon the large percentage of wetland area.

Comment 3.4-6 (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): Ramapo's zoning laws states that no portion of slopes in excess of 35 percent shall not be counted towards lot area. If slopes are between 25 and 35, then 50 percent of the area is counted. The DEIS states that 6.4 percent of the site has slopes that exceed 25 percent, but lumps all slopes in excess of 25 percent into one category and results in 50 percent. If there are no 35 percent slopes, this is fine. If not, the lot area should be recalculated to deduct all slopes in excess of 35 percent.

Response 3.4-6: Net lot areas have been calculated in accordance with Town of Ramapo Zoning Law §376-42 which discounts 50 percent of land area with slopes over 25 percent.

Comment 3.4-7 (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): Table three of the DEIS shows different impacts between no zone change and the proposed project on the following issues. There are substantial differences that must be mitigated and no mitigation has been proposed.

Response 3.4-7: Comment noted. The intent of the zone change is to allow multifamily housing which typically has more impervious surface than single family housing per lot, but accommodates more housing per acre of impervious surface than typical suburban sprawl. Without a zone change the need for a diversity of housing including below market rate workforce housing and community service worker rental apartments cannot be met.

Comment 3.4-8 (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): The applicant is proposing an eight phase project, with the bulk of the single family homes, 70 of which, being constructed in the later phase. The town homes, condominiums and rentals will be constructed in the first phase. These 70 lots that will be constructed in the later phases are ripe for rezoning to MR-8 years from now.

Response 3.4-8: The applicant agreed to construct the workforce housing and the community service rental apartments in the early phases of constructions at the request of the Town of Ramapo. It is the applicant's intention to construct the project as proposed. Ultimately market demand and the availability of construction financing will also influence the timing of construction. No further changes are contemplated.

Comment 3.4-9 (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): Ramapo's Zoning Law requires spacing between buildings to be the height of the total building. The bulk table lists the height of the buildings at 40 feet, but the space between the buildings is only listed at 30.

***Response 3.4-9:** The Table of General Use Requirements for the MR-8 Zone as indicated in Ramapo Zoning Law §376-31 specifies the minimum building separation as 30 feet.*

Comment 3.4-10 (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): ...the Zoning Law that requires double setbacks between single family, residential buildings and the buildings in the MR-8.

***Response 3.4-10:** The Town of Ramapo Zoning Law provides the Planning Board with the discretion of incorporating a buffer between a single family use and an adjoining multifamily use where such use may adversely affect the character of the neighborhood. The zoning law does not include any provision that doubles setbacks within the MR-8 Zone.*

Comment 3.4-11 (Deputy Mayor Yagel, Public Hearing Transcript, June 4, 2009): ...on the document titled Town of Ramapo Proposed Amendment to the Comprehensive Plan, discusses cluster development in the context of the proposed zone change. This discussion is misleading at best and dishonest at worst.

***Response 3.4-11:** The applicant for the Patrick Farm has intentionally planned the proposed multifamily development in the center of the site, while preserving the on-site wetlands and steep slopes. In addition, the proposed project plan's area of single family homes surrounding the multifamily development so that the uses on the periphery of the site would be consistent with the surrounding land use. When considering the site overall, this plan effectively meets the intended goals of clustering. It allows for compact development while preserving the critical environmental areas on site. While the site will not be designated as a cluster, in the applicant's view the objectives of clustering have been met.*

Comment 3.4-12 (Mr. Hanifin, 2 Sunset Terrace, Public Hearing Transcript, June 4, 2009): I'm very much against this proposal because of the multiple housing which is being proposed.

***Response 3.4-12:** Comment noted.*

Comment 3.4-13 (Mr. Hanifin, 2 Sunset Terrace, Public Hearing Transcript, June 4, 2009): There is not need for more housing in the Town of Ramapo, and there's no need for more multiple housing.

***Response 3.4-13:** Consistent with the identified housing needs of the Town as described in the Comprehensive Plan, the Housing Needs Assessment included in the DEIS and the Housing Market Demand Analysis included with the FEIS substantiate the need for additional housing and a diversity of housing types and price points.*

Comment 3.4-14 (Mr. Suied, 395 Old Route 202, Public Hearing Transcript, June 4, 2009):

..it seems like there's a lot of acres that are gonna be left alone, that will look natural like they do today. It looks like there's some large buffers bordering the property. And the new homes that are being built there seem to be strategically put in place where it would look like all the other houses there. It doesn't seem any different than what's there now.

Response 3.4-14: Comment noted.

Comment 3.4-15 (Mr. Suied, 395 Old Route 202, Public Hearing Transcript, June 4, 2009):

I think the plan is a good plan. And I think the builder is a reputable builder. ...this builder has the right background and the right people working behind it.

Response 3.4-15: Comment noted. The Applicant has an established reputation in the community for quality building.

Comment 3.4-16 (Ms. Shapiro, Scenic Drive, Public Hearing Transcript, June 4, 2009):

..the applicant disregards a Ramapo Scenic Zoning District. Much of this property is within 1,000 feet of the restricted zone.

*Response 3.4-16: The referenced Law is the Scenic Road Overlay District and was created to provide a scenic view along the designated roadways, thus extending 1,000 feet from the centerline of specific roads within the Town. Figure 3.4-10 shows how the 1,000 foot boundary relates to the Patrick Farm project site. The Scenic Road law provides that the Planning Board **may** require increased setbacks along Scenic Roads, up to double the required setbacks of the underlying zoning. The applicant has voluntarily designed the project to include increased setbacks along Route 202 which are double the required distances on all lots with the exception of lot 79, which has space limitations.*

The setback of the multifamily portion of the project from Route 202 varies between 100 and 200 feet of vegetated infill. The current view of the corner of the project site along NYS Route 306 near the intersection with US Route 202 is heavily influenced by the Orange and Rockland utility transmission wires and is not, in the applicant's opinion, a significant visual resource.

Comment 3.4-17 (Ms. Shapiro, Scenic Drive, Public Hearing Transcript, June 4, 2009):

The staging of this project to build out all of the multifamily units in stages on and three, stages four through eight most of the single family houses will probably never get built.

Response 3.4-17: It is the applicant's intent to develop the property as proposed. In the event that market conditions delay the construction of any phases of the project, that property will remain undisturbed until such time as the market conditions change.

Comment 3.4-18 (Mr. Levine, Public Hearing Transcript, June 4, 2009):

I want to point out that this is a zone change application. This is not a specific site plan. You can't condition work force housing and housing for volunteers on this property.

Response 3.4-18: The SEQRA findings for this project will state that the provisions for such housing is necessary to achieve the balanced decision making called for by the SEQRA process. Upon completion of the environmental review of the zone change application the project sponsor will submit a site plan application to the Planning Board for their review and approval.

Comment 3.4-19 (Mr. Levine, Public Hearing Transcript, June 4, 2009): ..the owner will end up with a property that is zoned for multiple dwellings.

Response 3.4-19: Comment noted.

Comment 3.4-20 (Mr. Levine, Public Hearing Transcript, June 4, 2009): ..you should understand that there are limits to the population growth in the Town of Ramapo, even in the unincorporated area. And the limits are the limits of the land, the limits of the traffic.

Response 3.4-20: Comment noted. The DEIS provides an assessment of the impacts of the increased population and the increase in traffic generation compared to existing conditions.

Comment 3.4-21 (Mr. Berzon, 34 Linda Court, Public Hearing Transcript, June 4, 2009):
I think it's balanced and it -- for a number of reasons. More than 40 acres of land will remain open space permanently. There will be lots of green space along Route 202 and 306, which will keep it looking like the rest of the area.

Response 3.4-21: Comment noted.

Comment 3.4-22 (Mr. Berzon, 34 Linda Court, Public Hearing Transcript, June 4, 2009):
..the mix of single family homes, town houses and condominiums, even rental apartments for emergency service members. Rockland County needs more affordable housing, and I believe this will help address that need.

Response 3.4-22: Comment noted.

Comment 3.4-23 (Mr. Rhodes, 26 Sky Meadow Road, Public Hearing Transcript, June 4, 2009): ..what we have here is destruction of all comprehensive planning in Ramapo. What we have is incrementalism, which is overwhelming our infrastructure.

Response 3.4-23: Comment noted.

Comment 3.4-24 (Mr. Sternhell, 7 Antoinette Court, Public Hearing Transcript, June 4, 2009): I want to urge the Town Board to approve this proposal of Patrick Farm as soon as possible. One of the things that made my family settle in Ramapo and Rockland County is the area's beautiful, rural character. I think the current proposal for Patrick Farm will help preserve that rural charm.

Response 3.4-24: Comment noted.

Comment 3.4-25 (Ms. Gellis, 623 Route 306, Public Hearing Transcript, June 4, 2009): 15 years ago you would deny adding on like a few hundred square feet to my house. I don't get how over the years suddenly change, where I couldn't add on a little to my house, yet now you're thinking about approving multifamily housing in the same neighborhood.

Response 3.4-25: In order to expand your house a variance was required from the Zoning Board of Appeals (ZBA) and such a variance must meet state mandated standards. This application is a matter of Town Board authority, not ZBA approval.

Comment 3.4-26 (Ms. Gellis, 623 Route 306, Public Hearing Transcript, June 4, 2009): I put in a tennis court. And I didn't know that way beyond my house was wetlands. I was 12 inches within the buffer zone and I had the Department of Environmental Concern come to my house, fine me, and make me bring in my tennis court because I was a few inches within their buffer zone. Are they following the buffer zone laws and the wetland zone, the laws?

Response 3.4-26: Refer to response 3.4-25. The proposed project will comply with all applicable regulations including meeting the required setbacks for wetlands and wetland protection areas (also known as buffer zones).

Comment 3.4-27 (Mr. Cook, Public Hearing Transcript, June 4, 2009): I would like maybe the Board to explain why the golf course was not approved.

Response 3.4-27: After extensive environmental review and repeated agency requests for additional information, the Town of Clarkstown withdrew their application.

Comment 3.4-28 (Mr. Rakower, 2 Quince Lane, Public Hearing Transcript, June 4, 2009): I'm here to recommend that the Board vote in favor of Scenic Development's proposal. More than 40 acres of land will be preserved as open space for future generations, which will go a long way to preserving the property's, green, country-like nature. Most of the homes will be built far away from the nearby roads and out of site, which also will help preserve the feeling of being in the country.

Response 3.4-28: Comment noted.

Comment 3.4-29 (Mr. Scheiner, 22 Mariner Way, Public Hearing Transcript, June 4, 2009): Many of the fears the people are concerned about tonight are the same fears that we had when our development was at this stage of the game. As you can all come and see, we're all living in probably one of the most beautiful developments that Ramapo has to offer.

Response 3.4-29: Comment noted. The applicant has successfully developed hundreds of single family and multifamily units in the area which have become an asset to the community.

Comment 3.4-30 (Mr. Scheiner, 22 Mariner Way, Public Hearing Transcript, June 4, 2009): What we have here is a very successful builder. Success comes from providing what people need and delivering on their promises. This builder has done exactly that. While other here are accusing the builder of getting anything he wants, his record has been impeccable. He does what he says. He says what he does. He delivers what he promises. And, as he's done in our development, he's delivered more than he's promised to do. I'm very in favor of this Scenic Development proposal.

Response 3.4-30: Comment noted.

Comment 3.4-31 (Mr. Stefanski, 51 Mariner Way, Public Hearing Transcript, June 4, 2009): I think that the Patrick Farm development, Scenic Development project, is a great project for the entire County. I fully rely on the professional engineers and Town professionals to make sure this falls properly with the landscape, water, sewer and traffic.

Response 3.4-31: Comment noted.

Comment 3.4-32 (Mr. Stefanski, 28 Mariner Way, Public Hearing Transcript, June 4, 2009): It helps the families we have, the young families, have housing for that next generation.

Response 3.4-32: Comment noted.

Comment 3.4-33 (Mr. DePaola, 67 Babcock Lane, Public Hearing Transcript, June 8, 2009): I've come to speak tonight in reference to the New City Fire Department that thought this was such a great idea, that other Towns should approve this, but the reality is that the Hillcrest Fire Department needs more than just housing. Twenty-four units of housing for all the volunteers in this Town will not answer a call for what Hillcrest really needs. They need way more than that. And it shouldn't be condos. It should be houses that have reduced taxes for fire men or some such thing. And our response time is getting more because we're having trouble getting fire men to drive trucks at night. We really need to have more attention paid to help people, to train and become drivers.

Response 3.4-33: The proposed community service worker rental apartments are intended to be available to the Hillcrest Fire Department volunteers in a convenient location.

Comment 3.4-34 (Mr. DePaola, 67 Babcock Lane, Public Hearing Transcript, June 8, 2009): I don't understand why they can't put schools and colleges in the Nanuet Mall, and they could rent out a whole floor in the Nanuet Mall and restrict -- restrict certain entrances, so that they have an exclusive entrance to where they want to put their colleges and schools. The infrastructure is there. The sewers are there. The power is there. Right now they're planning on putting in high level housing, high density housing in an area that does not have the infrastructure to support it. Whereas, on 59 that infrastructure is there and presently exists in the Nanuet Mall, which is half empty. Why not use this as a rental space for a college and for schools?

Response 3.4-34: The proposed project is neither a college nor a school. The infrastructure necessary to serve the proposed residential project is currently in place on, or proximate to, the Patrick Farm site.

Comment 3.4-35 (Deputy Mayor Yagel, Public Hearing Transcript, June 8, 2009): Also, since this is effecting the North-East quadrant of the Town, why isn't this meeting at, say, Pomona Middle School, where everybody could attend? Like Trustee Louie said, some people, unfortunately, do not know where this center is.

Response 3.4-35: The Joseph T. St. Lawrence Community Health & Sports Center could hold 600 to 800 persons. Due to the complexity of the proposed project this venue was chosen to insure as many people as wanted to speak could be properly accommodated.

Comment 3.4-36 (Mr. Higgins, Public Hearing Transcript, June 8, 2009): Mr. St. Lawrence, it is my understanding that at the last meeting there was a comment made about a small number of residents who were present that night to express their disagreement, implying that the community was not concerned about these zoning changes. This is not the case whatsoever. What you have here are residents who are so upset about not only the zoning changes, these zoning changes, but also other zoning changing occurring or proposed in the Town which seem to have targeted this particular area. There are so many meetings taking place that none of them can possibly attend each and every one of them. They have normal lives. And for a comment to be made that because residents who are not present, we are not

worried or care about these zoning changes or have accepted them is a truly unfair statement, and a misrepresentation of the facts.

Response 3.4-36: Comment noted. The public hearings were scheduled to afford all interested parties an opportunity to comment on the proposed project.

Comment 3.4-37 (Mr. Higgins, Public Hearing Transcript, June 8, 2009): It's difficult for us, as residents, to come out to each one of these meetings. If we wanted to be politicians or board members, we would have run for office. But we are all hard working people, in this economic downturn probably have to work even longer hours in order to provide for our families and pay taxes. Taxes which are then used to pay the salaries of elected officials, whose jobs are protecting our rights, so we shouldn't have to be present at all these meetings. This is not our job. That's your job. As an elected official your responsibility is to protect our rights. Your constituents whether here or not.

Response 3.4-37: Comment noted.

Comment 3.4-38 (Ms. Maniscalco, Resident of Village of Pomona, Public Hearing Transcript, June 8, 2009): There seems to be a claim that more housing is needed in this area. But who are the people who have this need? If you look in the Journal News real estate section, you will see hundreds of houses for sale or rent. Why would we need more building?

Response 3.4-38: As detailed in the Housing Market Demand Analysis (Appendix C) and the DEIS Housing Needs Assessment, and consistent with the Comprehensive Plan, there is a need for a diversity of housing of different types and at different price points. Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P.

Comment 3.4-39 (Mr. Sneden, Airmont, Public Hearing Transcript, June 8, 2009): There are reasons why this proposed development should not go through as is, but I don't expect reason to be listened to. I think that what is necessary to bring about the change that I would like to see is a change in voting, the voting that will be coming up in September and November.

Response 3.4-39: Comment noted. There was substantial support for the incumbents in the September 2009 primary and the November 2009 elections.

Comment 3.4-40 (Ms. Schwartz, Public Hearing Transcript, June 8, 2009): I have no prepared statement, but when I read in the newspaper yesterday that the implication was that there was a small turn out last week and that meant that the community was okay with this kind of development, I had to come and say, no, we're not. I couldn't make it to the meeting last week, but know that I am against this. That almost everyone I know is against this.

I moved to Rockland County, I moved to the Town of Ramapo, because I wanted to raise my family with open space, with a feeling of fresh air. I moved from Queens, like one of the other speakers did here, I didn't want to live there anymore. I wanted an area with open space. And what I'm finding now is that I won't be living in Queens, I'm gonna be living in Brooklyn. And that's not what I bought into. And I think it's only fair to consider what the people who live here want.

Response 3.4-40: The population density of Brooklyn is about 10,000 people per square mile. The population density of Ramapo is about 530 persons per square mile. or

about 1/20th of Brooklyn. Population density including the 1,932 persons projected to live at Patrick Farm will remain well below 575 persons per square mile. The project as proposed includes almost 95 acres of open space. In addition, the Harriman Park located along side US Route 202 contains more than 45,000 acres of additional open space. The 61.3 acres proposed for a zone change is less than 30 percent of the total project site, and will be surrounded by a transitional area of single family homes.

Comment 3.4-41 (Mr. Drennen, Public Hearing Transcript, June 8, 2009): This effects villages adjacent. And I don't see them here. I was unable to come the other night, perhaps they were there, but the Villages of Suffern, Pomona, Haverstraw, Wesley Hills, New Hempstead are all effected by this development. They should be here and they should have been a major part of this.

Response 3.4-41: *The adjoining communities have been involved in the environmental review process and were notified as to the time, date and location of the public hearing.*

Comment 3.4-42 (Mr. Goldman, Public Hearing Transcript, June 8, 2009): I'd like to start from the beginning and say, when you purchase a piece of property, you purchase it with plans of what you want to do with it. You purchase it at a value of what it's worth for the things you can do with it. Here they got a steal at what they paid for it if you let them do this. If you let them do this, it makes no sense. They spent, I think it was, five to seven million dollars for this piece of property. What you're giving them is a bargain. For what you're giving them, for what they should have paid, should have been five times more. This is something that you think about when you first buy a piece of property.

Response 3.4-42: *Any buyer of land assumes the risks incumbent with zoning, land use, subdivision and environmental rules and regulations. Even with those constraints as a background to potential future land use, regional and national economic factors also play a role in the ability to achieve a return on investment. There are no guarantees in the world of real estate development and the number of projects and banks that have recently failed or are struggling are a testament to this.*

The Applicant's proposal was made with a number of goals envisioned. Clearly the ability to develop and market a successful product is a significant consideration. In this regard, the limited housing choices in the area, due to the prevalence of single family homes and land is well recognized. The provision of multi-family homes and workforce housing is intended to support the Applicant's goals, the goals of the Town, and the needs of the greater Ramapo community.

Comment 3.4-43 (Letter #4, Doris F. Ullman, Attorney at Law, July 6, 2009): The studies and narratives presented in the DEIS do not address the potential adverse impacts that will result from the proposed project. Moreover, all of the "benefits" proposed for the high density project can be required by the Town for a project that complies with current zoning.

Response 3.4-43: *As summarized in the DEIS Executive Summary, the DEIS clearly goes into great detail about existing conditions and potential impacts of the project. Without further specificity, it is unclear what potential impacts are being referred to.*

Comment 3.4-44 (Letter #5, Susan H. Shapiro, Attorney at Law, July 22, 2009): Hopefully, this Board will not take such a proposal seriously, especially when there is no need. There is plenty of housing and multi-family housing currently available, in addition to large approved still-to-be-built developments in the existing core centers.

Response 3.4-44: As discussed earlier, the existing core centers as identified in the Comprehensive plan are based upon the existing land use patterns which are a function of the commercial activity along NYS Route 59. These patterns preceded both the zoning and the Comprehensive Plan. The Comprehensive Plan acknowledges that "Another issue of concern was the appearance and vitality of the Town's commercial areas, particularly the commercial-strip style type development that characterizes Route 59." The need for areas of multifamily housing exceeds the amount land currently zoned for multifamily within the Town. The availability of public infrastructure and excellent transportation access make the Patrick Farm site suitable for multifamily development in northern Ramapo.

Comment 3.4-45 (Letter #5, Susan H. Shapiro, Attorney at Law, July 22, 2009): The DEIS plan also completely disregards the Ramapo Scenic Zoning District Law. Much of the property being regraded, etc. is within the 1000' restricted zone.

Response 3.4-45: Refer to Response 3.4-16

Comment 3.4-46 (Letter #5, Susan H. Shapiro, Attorney at Law, July 22, 2009): Applicant proposes to build out a first section of 410 densely packed multifamily homes in the center of the property- while supposedly maintaining a 40,000 s.f. lot buffer perimeter, to be built at a later date. The reality is that those first multi-family units will have more than enough people to form a new village, with even higher density zoning, thereby voiding the proposed 40,000 s.f. Buffer.

Response 3.4-46: There is nothing in the project proposal to indicate the applicant has any intent to form a Village. This is an unfounded accusation. The project will be approved according to the construction sequence shown in DEIS Figure 2-3. This sequence indicates the envisioned timing of single family home construction.

The applicant intends to construct the project as proposed, which is illustrated in Figure 4. The applicant has made a commitment to construct all of the community service worker apartments, all of the workforce housing and a portion of the single family homes in addition to approximately one third of the market rate multifamily units and all necessary infrastructure in the early stages of development. He intends to keep this commitment. Beyond this commitment, the construction sectioning plan allows for flexibility in terms of sequence. Upon completion of Section one, the applicant will be guided by market demand in meeting the need for single family and townhouse construction.

Comment 3.4-47 (Letter #5, Susan H. Shapiro, Attorney at Law, July 22, 2009): If approved as requested, the staging of the project would build-out all of the multi-family units in Stages 1-3; Stages 4-8 (most of the 1-family homes) will very possibly never get built. Based on the property's recent zoning history it would not be unreasonable to expect another zone change application within 5 - 10 years. Or, that after some of the units are built out, the new residents decide to form their own village and again drastically increase the zoning density.

Response 3.4-47: *These actions are not envisioned by the project applicant. Any further action on the project site would open up a new set of environmental reviews including additional public hearings and would be subject to further scrutiny by the Town. It is the applicant's intent to construct the project as proposed.*

Comment 3.4-48 (Letter #5, Susan H. Shapiro, Attorney at Law, July 22, 2009): Despite this bizarre plan to change the Comprehensive Plan and Zoning, there has been no suggestion by the Applicant or by the Board, for Restrictive Covenants (enforceable by residents of the property or by affected neighbors) to ensure even a modicum of protection that any approvals given by the Board will not be used as stepping stones for even further deterioration of the zoning of the neighborhood. As an absolute minimum, that should be a Board requirement for any action the Board takes.

Response 3.4-48: *A covenant that merely restates conditions of approval is superfluous and adds nothing to a municipality's enforcement authority or efficacy. Enforcement of zoning regulations and conditions of approval are solely the responsibility of a municipality. There is no authority for a municipal agency to require that an applicant provide a covenant that would enable neighbors to enforce zoning regulations or conditions of approval. In addition, because of the lack of reciprocal obligation, such a covenant, in any event, is unlikely to be enforceable. Lastly, to permit neighboring property owners who may be hostile to a use or the residents of a development to enforce zoning regulations or conditions poses a scenario for inappropriate enforcement actions and harassment.*

Comment 3.4-49 (Letter #6, Susan H. Shapiro, Attorney at Law, July 22, 2009): The properties were purchased by the Town of Clarkstown for proposed town golf course purposes in 1996.

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

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

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

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

This was never done.

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

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

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

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

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

Response 3.9-49: *The contention that the conveyance of this property was unlawful is erroneous. As further detailed in a letter of response from Rice & Amon dated November 16, 2009 in reply to Susan Shapiro, which is included in Appendix B, Correspondence, the following points are made;*

The deeds to a portion of Patrick Farm property which were acquired by the Town of Clarkstown did not specify the purpose for which the property was acquired nor did they contain any restrictions as to the intended land use.

On a similar case the Attorney General Has determined the if land has not been dedicated, used or otherwise devoted to park purposes, and neither the deed of conveyance, nor the title to the property restricted or conditioned in its use to such purpose, a municipality may sell it after determining that it is no longer required for public use or was unsuitable therefore.

Additionally, the statute of limitations on any objection to the sale of the property by the Town of Clarkstown has long since passed and is thus not relevant to the current Patrick Farm project.

Comment 3.9-50 (Letter #15, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009 and Letter #16, Salvatore Corallo, Commissioner, County of Rockland Department of planning, July 24, 2009): The proposed amendment to the Town of Ramapo's Comprehensive Plan and the Town's proposed Zoning Law Amendment may be subject to additional review under SEQRA because the proposed density was not envisioned or evaluated in the Town's 2004 Comprehensive Plan or the Generic Environmental Impact Statement prepared for the Town's Comprehensive Plan. Supplemental Environmental Impact Statements (EIS) are addressed in Section 617.9(7) of the SEQRA regulations. Section 617.10.(d)(4) states that "a supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts."

The Notice of Completion of the Draft EIS indicates that the action being considered under SEQRA is the Zone Change Petition for Patrick Farm. The amendment to the Comprehensive Plan and the Zoning Code Amendment are not addressed in the Notice of Completion

document, However, on Page 1-3 of the Executive Summary of the DEIS, it states, "the action includes assessment of the potential impact of the development of the project, the proposed zoning map and text amendments in addition to the revision, of the Town's 2004 Comprehensive Plan as it relates to the Patrick Farm property." It appears that the Town is considering the environmental impacts of the amendment to the Comprehensive Plan and the Zoning Code Amendment while concurrently assessing the environmental impacts of the proposed zone change and mixed density residential development. A separate supplemental EIS may be a more appropriate approach for the amendment to the Comprehensive Plan and the Zoning Code Amendment rather than incorporating all of the actions into one document. If the amendment to the Comprehensive Plan is revised, it would follow that the Zoning Code amendment and development proposal would also have to be revised. As noted on Page 1-3, "As the SEQRA process continues, the site plan will be refined and revised based on input from the various agencies having review responsibility for the proposal."

Response 3.4-50: *The planning rationale of the 2004 Town Comprehensive Plan is consistent with the proposed action, including the requested rezoning, amendment of the comprehensive plan and project development.*

The Comprehensive Plan, adopted in 2004, recognizes that:

While diversity of the housing stock has increased slightly over the last decade, there is still a growing need to significantly increase the variety of housing within the unincorporated area of the Town.... (B-1).

It is related therein that "[m]any families simply cannot afford to purchase or rent a home within the unincorporated area of Ramapo, partly due to the relatively little diversity in the housing stock." (B-1). The Comprehensive Plan notes that consistent with New York case law, "[t]here must be a balancing of the local desire to maintain the status quo within the community and the greater public interest that regional and local [housing] needs be met." (B-1).

The Comprehensive Plan additionally relates that:

In addition to the general issue of housing diversity for the general population, providing housing opportunities for particular segments of the population, such as young families, seniors, and 'empty nesters,' and municipal employees and public safety volunteers is becoming an increasingly important issue in Ramapo (as is has throughout the country.). (B-2).

As a result, among the objectives identified in the Comprehensive Plan are the following:

- 1. Objective: Provide a diversified housing supply that consists of residential development at appropriate densities and in appropriate locations in consideration of proximity to community shopping, community facilities and services, and public transportation, and in consideration of the adequacy of existing infrastructure.*

2. *Objective: Allow higher density housing in appropriate areas if such housing meets local needs and is balanced with the objective of maintaining the integrity and appearance of Ramapo's residential neighborhoods.*
3. *Objective: Promote a range of rental and home ownership opportunities in varied densities, housing types and prices for Town residents....*
4. *Objective: Encourage inclusion of housing to meet identified housing needs in the development of large parcels of land. (B-2).*

The Comprehensive Plan determined that:

Standard multi-family districts that allow townhouses or garden apartment developments can address housing needs within the Town while at the same time requiring design considerations (e.g., centralized parking and refuse disposal areas, site lighting standards, landscaping and perimeter buffering requirements, yard and setback requirements, and architectural standards) to ensure that such developments blend with the surrounding area. (B-4).

Although the subject property is not among the four properties identified as being "particularly suitable" for rezoning for multi-family development, the Comprehensive Plan confirms that "it is likely there may be other sites that meet the placement criteria that have not been specifically identified...." (B-7).

Moreover, the Comprehensive Plan relates that "[a]s the Town continues to grow in the future, the Town may find it necessary to rezone other properties in the Town to a multi-family district in order to meet housing needs." (B-8). It should be noted that the Comprehensive Plan acknowledges that:

*Preparation of the [Comprehensive] Plan should be viewed as an ongoing planning process. Amendment of the Plan is likely to be necessary given shifts in demographics, market conditions, regional planning considerations and time. * * * The maximum interval at which the [Comprehensive] Plan shall be reviewed is five years. (Intro-5).*

The Comprehensive Plan was adopted in January, 2004. As a result, although Petitioner suggests that the development proposal fits squarely within the rationale of the Comprehensive Plan, nevertheless, consideration of the proposal is particularly appropriate given the passage of almost six years.

As a result, the proposed rezoning is consistent with the goals of the 2004 Comprehensive Plan. However, in order to insure that the relevant planning and environmental issues were analyzed discussed, the environmental impact statement analyzed the potential impacts of the requested zoning amendment, the proposed amendment to the Comprehensive Plan, the land use approvals and the proposed development. Consequently, the comment that comment with respect to the 2004 Comprehensive Plan is misplaced because the environmental impact statement examined precisely those issues.

Comment 3.4-51 (Letter #15, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): It should be noted within the initial discussion of the Highlands Region Study on Page 3.4-3, that a substantial portion of the Patrick Farm site is designated as having a "moderate" to "higher" resource value according to Rutgers University and the United States Department of Agriculture Forest Service Highlands Regional Information System database.

Response 3.4-51: The resource designation by the Highlands Regional Information System database is attributable primarily to the project site's location over the sole source Ramapo Aquifer. As shown on DEIS Figure 3.4-2A much of the project site is included in the "Low" category. None of the site is included in the "Highest" category and the portion of the site designated as "Higher" is in the area of the site where the ridge line is being preserved. As stated in the Town's Comprehensive Plan, development in this area should only occur where public water and sanitary sewers are available. The project as proposed is to be serviced by both public water and sanitary sewers and includes a groundwater recharge system designed to result in no net loss of recharge capability post development thus preserving the environmental integrity of the Ramapo Sole Source Aquifer.

Comment 3.4-52 (Letter #16, Salvatore Corallo, Commissioner, County of Rockland Department of Planning, July 24, 2009): This property has a long history of both proposed and enacted changes in its zoning designation during the Comprehensive Plan process and while under the same ownership. Twenty-five percent of the site is subject to environmental constraints and other encumbrances including wetlands, the 100-year floodplain, lands underwater, steep slopes, and overhead utility easements. It is surrounded by rural and low-density neighborhoods. The site is suitable for low-density residential development including a cluster development for the purpose of open space preservation and environmental protection which is consistent with the River to Ridge Plan recommendations for this area. The special resource overlay zone is also appropriate for this property. The proposed amendments will almost quadruple the current allowable residential density on this site.

Response 3.4-52: Refer to Response 3.4-3P. The River to Ridge Plan was never formally adopted by the Rockland County legislature. It may be viewed as general guidance. The property is bordered by US Route 202 and 306 which serve as barriers to contiguous land uses. The property is surrounded by single family development a portion of which is on 15,000 square foot lots (Pomona Heights to the South), and the region in general has a very high percentage of dedicated parkland, which is obviously open space however this is not the same as a "rural" land use.

There is no development proposed within a floodplain. All environmentally sensitive areas including wetlands and areas of steep slope including the prominent ridge line along Route 202 have been left undisturbed.

Comment 3.4-53 (Letter #16, Salvatore Corallo, Commissioner, County of Planning Department of Planning, July 24, 2009): The Villages of Pomona and Wesley Hills are two of the reasons this proposal was referred to this department for review. The Pomona municipal boundary is along the southern and eastern property lines of the Patrick Farm site. The municipal boundary for the Village of Wesley Hills is along the southern and western property lines of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning,

zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and countywide considerations with respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and such other measures as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining a satisfactory community environment. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result, development occurs in a manner that is supportive of the goals and objectives of the general area.

Response 3.4-53: *The applicant has conducted detailed studies which address the Infrastructure capacity concerns including, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. With regard to community character, the project as proposed provides a transitional area of single family homes to be consistent with the surrounding existing single family land use. The need for diversity of housing in this area is a regional need. .*

Comment 3.4-54 (Letter #19, John F. Lange, Senior Associate for Planning, Frederick P. Clark Associates, Inc.): Scenic Roads Local Law: The Scenic Roads district boundary should be shown on all site plans to identify impacts and to guide the site plan. As mentioned earlier, the response to the Scenic Roads provision was limited to doubling of the setback requirements along Route 202. The applicant should provide additional mitigating measures.

Response 3.5-54: *The Scenic Roads boundary has been indicated on the site plan submitted which will be submitted for approval. As per the Scenic Road recommendations, all building set backs along US Route 202 have been doubled, with the exception of lot 79, where space limitations are prohibitive. The site plan has been modified so that all areas of the Ridgline along US Route 202 have been preserved, and all stone walls along US Route 202 will remain intact where possible. Natural Vegetative Buffers of more than 100 feet have been preserved along US Route 202 in the vicinity of the proposed multifamily access.*

Comment 3.4-55 (Letter #19, John F. Lange, Senior Associate for Planning, Frederick P. Clark Associates, Inc.): Housing Diversity: In terms of diversity of housing, providing the isolated site for workforce housing is not the preferred way to provide more affordable components. Providing lower cost units within a mix of townhouse units including 1, 2, 3 and 4 bedroom communities would be the most effective way to contribute to housing diversity. Inclusion of workforce housing alternatives within the primary development area is the preferred method.

Response 3.4-55: *The emergency service worker apartments to be located on NYS Route 306 have been sited there specifically to accommodate the needs of the Hillcrest Fire Company, which has their station within 1/2 mile of the project site. The area of workforce housing provided in buildings 143 to 152 are a less costly unit, which will thus ensure their relative affordability into the future. Planning theories have varied over the years as to the preferred way to provide below market rate housing and in the applicant's opinion, the proposed housing meets the needs of the community as detailed in the Housing Demand Market Analysis for this project.*

Comment 3.4-56 (Letter #19, John F. Lange, Senior Associate for Planning, Frederick P. Clark Associates, Inc.): Page 3.4-8 The Comprehensive Plan recommends clustering wherever possible to provide the maximum amount of usable open space. How does this plan respond to the comprehensive plan recommendation? How will open space be maximized by this approach? The DEIS should describe the purpose of the proposed open spaces.

Response 3.4-56: Clustering allows design flexibility in order to preserve open space, to allow development to occur on the less sensitive areas of the site and enable preservation of the most sensitive areas of the site. The Patrick Farm project has placed the more intensive development on the multifamily portion of the site and left the areas of wetlands and steep slopes undisturbed. Almost 95 acres or more than 45 percent of the Patrick Farm site will be preserved as undisturbed open space resulting in preservation of wetlands and steep slope areas on site.

Comment 3.4-57 (Letter #19, John F. Lange, Senior Associate for Planning, Frederick P. Clark Associates, Inc.): Page 3.4-9 States: "The design concept applies the principles of new urbanism in providing a greater core density and lower density in the periphery. The project's proposed layout is not a clustered design per se but is designed to provide a balance between accommodating additional population growth and preserving the site's existing natural resources, specifically on site wetland and the underlying Ramapo River Aquifer." The question is how this responds to the Comprehensive Plan recommendations? Cluster and density provisions are defined in the Comprehensive Plan. This proposal does not provide a design based upon the new urbanism philosophy. At a minimum, the comments should be couched with the comment that these are "in the opinion of the applicant". The development provides only two densities, multifamily homes and single family homes.

Response 3.4-57: Comment noted. It is the applicant's intent to provide the multifamily development within the core of the project and a perimeter of single family development surrounding the core area.

Comment 3.4-58 (Letter #19, John F. Lange, Senior Associate for Planning, Frederick P. Clark Associates, Inc.): The DEIS indicates that development would be located in close proximity to local community shopping — It is noted that there is no shopping within reasonable walking distance which will necessitate using automobiles. This impacts sustainability as well.

Response 3.4-58: Community shopping is located approximately one mile to the east and would likely require transportation to access the shopping area. It is the Applicant's experience that only a very small percentage of people living in suburban environments do their shopping on foot.

Comment 3.4-59 (Letter #19, John F. Lange, Senior Associate for Planning, Frederick P. Clark Associates, Inc.): The DEIS discusses a "concentric design" However, there is no commercial development in the center — as concentric rings and theory would support; there is no significance to the concentric design in terms of circulation, sustainability and mitigation of impacts.

Response 3.4-59: Comment noted. It is the applicant's intent to provide the multifamily development within the core of the project and a perimeter of single family development surrounding the core area.

Comment 3.4-60 (Letter #19, John F. Lange, Senior Associate for Planning, Frederick P. Clark Associates, Inc.): DEIS states that the design and scale of the proposed action are expected to be compatible with respect to the existing buildings, streets and amenities, and the project's surrounding area. This statement requires further support and explanation as this is certainly not compatible with neighborhoods of single family only homes.

Response 3.4-60: Refer to Response 3.4-1E, Response 3.4-1G, Response 3.4-1H, Response 3.4-1I, Response 3.4-2B, Response 3.4-2C, and Response 3.4-2P. It is noted that multifamily residences abut single family neighborhoods throughout the United States with no significant "compatibility" issues.

Comment 3.4-61 (Letter #19, John F. Lange, Senior Associate for Planning, Frederick P. Clark Associates, Inc.): The area west of Route 202 is zoned for 80,000 square foot lots and is better than 50% wetlands and wetland buffer. The DEIS should provide the rationale for using this land area to compute additional density east of Route 202.

Response 3.4-61: This area was not used in the calculations for allowable density per the applicable zoning regulations.