

3.4 LAND USE AND ZONING COMMENTS AND RESPONSES

Comment 3.4-1 (Letter #1: Clifford H. Schwartz, December 10, 2009 and the Public Hearing, December 10, 2008): Much of the impact on the road network appears to result from the re-zoning of Glen Wild Road to accommodate 480,000 square feet of commercial development. The Town Board will have to consider whether such a re-zoning is in the best interests of Rock Hill and the Town of Thompson as a whole.

***Response 3.4-1:** The project has been modified to comply with existing zoning. Under the plan presented in this FEIS, commercial space has been reduced to 60,000 square feet with access from Rock Hill Drive, compared to the previous proposal for 480,000 square feet of commercial space with access from Glen Wild Drive. Rezoning is not necessary. Traffic impacts have been significantly reduced as a result of this project change (see Chapter 3.5 Transportation herein).*

Comment 3.4-2 (Letter #1: Clifford H. Schwartz, December 10, 2009): I believe the mitigation measures to the road network are so severe that they call into question the survival of the existing business district in Rock Hill. This is not a matter of competitive pressure. It involves a physical reconfiguration that would likely make the existing commercially zoned lots unviable.

***Response 3.4-2:** The proposed DEIS plan would have required purchase of some adjacent commercial property in the existing hamlet business district for road widening. The As-of-Right Residential Alternative assessed in the DEIS/DGEIS is now the preferred alternative. Traffic associated with this plan would require road widening and improved signage and signalization. However because the Residential Alternative has approximately sixty percent less traffic than the original proposal, road modifications will be significantly less and can be accommodated within existing rights of ways.*

Comment 3.4-3 (Letter #1: Clifford H. Schwartz, December 10, 2009): Rock Hill has a small, but vibrant commercial district. I do not believe it is sensible from the Town's perspective to move forward with a proposal that appears to require the destruction of the existing business district without seeing a marketing plan for the new district and receiving some assurance of its viability.

***Response 3.4-3:** The change from the originally proposed plan to the Residential Alternative addresses this concern as this alternative has only 60,000 square feet of commercial development.*

The retail component of this plan is located on Rock Hill Drive west of the main southerly development entrance. It is anticipated that this level of commercial development, designed to accommodate one to four tenants, will meet some of the needs of new residents while the balance of local resident needs will continue to be accommodated by the existing Rock Hill business community. It is not known at this time what types of businesses might occupy the commercial building, although it will be marketed for neighborhood-type retail businesses including a moderate sized supermarket, and while the developer typically would not conduct a market analysis to determine the local retail needs of the present and future population of Rock Hill, and the types of businesses already in the hamlet, it is anticipated that prospective business owners would do so before committing their resources to locate their business at this location.

Comment 3.4-4 (Letter #1: Clifford H. Schwartz, December 10, 2009 and the Public Hearing, December 10, 2008): I am not convinced that Glen Wild Road, which connects Rock Hill with Woodridge, is a promising location for a viable commercial strip. I am also concerned about its potential for discouraging development on the Route 42 corridor. Successful shopping districts require critical mass in order to become a regional destination. By creating a potential development corridor so close to Route 42 - even one that doesn't get built out - the Town might inadvertently create a situation in which developers concerned about the potential for nearby competition avoid both the Route 42 and Glen Wild Road corridors.

Response 3.4-4: See response to Comment 3.4-3 above.

Comment 3.4-5 (Letter #1: Clifford H. Schwartz, December 10, 2009): In addition, it is important to take note of the alternative uses for a commercially re-zoned area if the commercial development fails to materialize.

Response 3.4-5: The project plans have been modified and will not require rezoning. The parcels along Glen Wild Road will be developed as an as-of-right residential use.

Comment 3.4-6 (Letter #1: Clifford H. Schwartz, December 10, 2009 and the Public Hearing, December 10, 2008): The residential unit count of 1,340 is based on the premise that the applicant has the right to build 1,673 units without the need for special approvals. I would like to see supporting documentation for that calculation incorporated in the DEIS. I believe that large number has set the benchmark upon which all subsequent discussions have been based. If it turns out that the number has been significantly overstated, we will need to look at the proposed residential unit count with fresh eyes along with the total commercial space proposed.

Response 3.4-6: Please refer to the response to Comment 2-9 and the table located in Section 2.0 of this FEIS, that shows the mathematical breakout of lot and unit counts.

Comment 3.4-7 (Letter #3: Norman B. Gold, Levy & Gold, LLP, December 3, 2009): The Town of Thompson should be focusing on improving and filling the vacant stores and buildings around the Monticello area instead of creating additional vacant space. Let's get the developed areas filled before we create more vacant space.

Response 3.4-7: Commercial development in the As-of-Right proposal is 60,000 square feet. compared to the 480,000 square feet of regional retail originally proposed. This smaller retail facility is intended to accommodate some of the neighborhood retail needs of the residential population in the new development. It is anticipated that the new residents will bring a significant increase in commercial demand beyond what could be provided in the limited commercial building proposed, and therefore this will act as a catalyst for filling more existing space and may lead to expansion plans for many of the existing local businesses.

Comment 3.4-8 (Letter #3: Norman B. Gold, Levy & Gold, LLP, December 3, 2009): There is a large project going up at the old Concord site, and it is yet to be seen if this will create growth in and sustain that growth in the local economy.

Response 3.4-8: Comment noted. Since redevelopment of the Concord site is under review and the outcome is not known at this time, consideration of the fiscal impacts of that project were not factored into the analysis.

Comment 3.4-9 (Letter #7: John Konefal, President, Wanaksink Lake Club, undated): Our third concern is in regard to the effects that this project will have on our community and the Hamlet of Rock Hill. While development and change are important for progress, it is important that the impacts on all parties be considered and that the long-term effects on taxpayers and existing businesses are taken into account. Changing the location of the Rock Hill business district to another area called Rock Hill Town Center, attracting large scale retailers that our local businesses would have difficulty competing with and erecting housing prematurely seems ill conceived.

Response 3.4-9: As has been stated, the project plan has been modified. Commercial development has been reduced from 480,000 square feet of regional retail to 60,000 square feet of neighborhood retail. The smaller use is intended to accommodate the local retail needs of the residential population which will reside at Rock Hill. The proposed commercial space will also provide existing residents with expanded retail shopping opportunities while the new residents will increase the patron base for existing local businesses.

Comment 3.4-10 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008): In several places throughout the DEIS, references are made to imply that the project would be occupied by a "seasonal" population, which has the effect of reducing estimates of the projected impacts associated with new residents. It does not appear that the project is marketed as a seasonal development. Therefore, the Association requests that the analysis refrain from taking seasonal population discounts. The Town of Thompson zoning code supports this position by differentiating between a seasonal project regulated under section 250-27.2 and developments of permanent residents, defined as "cluster development," "planned unit developments," and "multiple tenant occupancies," which are regulated under sections 250.26, 250-27, and 250-28 of the zoning code as special permit uses. As such, all associated impacts should correspond with assumptions consistent with the zoning regulations for development of permanent residents.

Response 3.4-10: As described in FEIS Section 1.0 Introduction, the Residential Alternative will increase the population by an estimated 3,972 persons including approximately 449 school age children. The revised population estimates do not assume any reductions for a seasonal population. All assumptions and projections consider a year round population in order to consider the maximum impact scenario.

Comment 3.4-11 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008): 3.4-13 indicates that the development is consistent with the goals of the Sullivan County 2020 Plan of preserving existing woods through clustering of residential development. As mentioned in other comments, the current development plan seeks approval for special use densities, but does not preserve the most densely forested and steepest portions of the site. A revised layout should take advantage of previously farmed lands as much as possible, and avoid development on areas that are significantly wooded.

Response 3.4-11: The cluster layout technique preserves as much of the natural environment as possible given to allowable densities under the local zoning districts. However since most of the site is wooded, there ultimately will be an unavoidable impact to existing forests and other natural features. Impacts to these natural features have been assessed in the Ecology and Wetland Resources chapters of the DEIS/DGEIS and here in this FEIS.

Comment 3.4-12 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008): The proposed commercial portion of the project should be scaled down to reflect the goals of the Town of Thompson Comprehensive Plan for this area.

Response 3.4-12: The project has been modified to conform to an as-of-right development under current zoning.

Comment 3.4-13 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008 and at the Public Hearing, December 10, 2008): Several business owners are concerned that the commercial rezoning of Glen Wild Road would marginalize the existing business district and lead to its decline. As such, the commercial retail tax benefit generated by the new commercial center would be offset by loss of neighborhood businesses in the existing and developing commercial areas along Rock Hill Drive.

Response 3.4-13: Commercial rezoning is no longer proposed. The Residential Alternative, presented in the DEIS/DGEIS, which is now proposed by the Applicant as the preferred alternative in this FEIS, no longer includes a destination commercial development on Glen Wild Road. The current plan would add 60,000 square feet of retail space at the west end of Rock Hill Road that is envisioned to provide new and existing residents with currently unavailable retail opportunities.

Comment 3.4-14 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008): The business owners would welcome new businesses in the community as long as they were developed consistently with the Town's Comprehensive Plan, which states on page 34 that: "Retail development should occur in selected nodes and be of a neighborhood retail character which could serve all three lake communities." The retail buildings provided on the business portion of the plan are similar in size to those of big box retailers, such as those on the Route 42 Corridor. Such retail buildings could result in single destination vehicle trips, which would create more traffic on local roads without increasing business in the existing Rock Hill Drive commercial district, as suggested on pages 3.4-7 and 3.4-8. The increase in traffic might require an investment in infrastructure similar to the investment that has already been made in the Route 42 Corridor.

Response 3.4-14: Refer to the response to Comment 3.4-13. The project modifications have resulted in a significant decrease (approximately 60 percent) of traffic in the peak traffic hours as a result of reducing the 480,000 square feet of commercial development originally proposed to 60,000 square feet.

Comment 3.4-15 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008 and at the Public Hearing, December 10, 2008): The Town Plan calls for support of the development of the Emerald Corporate Park, which has several undeveloped parcels as of this date. The impacts on Emerald Corporate park are dismissed in the current DEIS, although permitted uses in the HC-2 zone include office uses.

Response 3.4-15: The proposed As-of-Right Residential Alternative will not compete with the market share for businesses which may choose to locate at Emerald Corporate Park. The increased residential population will increase the market population for businesses who choose to locate at Emerald Corporate Park, and will provide an increased employee base for potential employers.

Comment 3.4-16 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008): Starting on page 2.2.3 the DEIS explains that the project requires the change of the RR-1 zoned parcel to HC-2 in order to accommodate the commercial development proposed as part of this project. Statements on page 3.4-11 indicate the applicant's belief that the proposed project and rezoning are consistent with the Town's Comprehensive Plan. The Association disagrees with this position. The change in zoning will allow higher densities than are currently permitted, which will result in more traffic on local roads, and greater impacts on local services. If commercial zoning is to be permitted in this area, it should be provided at a smaller scale that is more compatible with existing low density business uses along this strip, with less of the property proposed for the rezoning.

Response 3.4-16: Refer to Response 3.4-13.

Comment 3.4-17 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008 and at the Public Hearing, December 10, 2008): The reasons why Glen Wild Road was zoned RR-1 are still valid. Rezoning to HC-2 would have the unintended consequence of increasing the residential density on the rezoned parcel if the applicant abandoned the commercial development plans and chose instead to build multiple family units. The zoning change should stand alone as a good decision regardless of whether this project moves forward. At the time that it was written, the Town Plan indicated that the Rock Hill area contained a total of 1790 unimproved lots in the four surrounding lakeside communities of Emerald Green, Lake Louise Marie, Wanaksink Lake, and Wolf Lake, and estimated that the additional population that might result from fully building out those lots would be one-half of the current population of Monticello. The existing zoning of the parcel as RR-1 has the effect of controlling density within this area, and provides the opportunity to preserve more of the natural beauty of the site.

Response 3.4-17: *The project as currently proposed in this FEIS will be developed as-of-right with no zone changes proposed and no increase in the residential density as currently permitted along Glen Wild Road; the existing RR-1 zoning will remain intact. The site plan has been designed as a cluster to preserve areas of natural beauty on the site and to avoid ecologically sensitive areas to the maximum extent practicable. The curvilinear roadway design is in keeping with the gently rolling nature of the site and in harmony with the rural character of the Rock Hill area.*

As shown in the Table 3.4-1 below, under the existing as-of-right zoning, the applicant could develop 127,469 square feet of commercial space, but is proposing 60,000 square feet. There are 1,780 units allowed under the existing zoning, the applicant is proposing 1,613.

Table 3.4-1 2009 As-of-Right Plan Rock Hill Town Center - Zoning Yield Summary	
Commercial	
Allowed	127,469 sf
Proposed	60,000 sf
Residential	
Allowed	1,780 units
Proposed	1,613 units
Source: Tim Miller Associates, Inc. 2009.	

Comment 3.4-18 (Letter #16: Janet Newberg, December 31, 2008): As Planning Board Members, your job is to be stewards of the environment. You just approved 625,000 square feet of commercial space at the new Concord site which is just two miles up the road from the Rock Hill project. The Route 42 corridor has Home Depot, WalMart and room for more. The Sullivan's property in Liberty is beautiful but the commercial space is still not filled. Why do we need more massive commercial space?

Enclosed is the Rock Hill Streetscape Survey for your review.

Response 3.4-18: See response to Comment 3.4-13 above.

The Planning Board has reviewed the Rock Hill Streetscape Survey. The proposed Rock Hill Town Center will address the following concerns identified in the survey.

- *It will increase pedestrian safety and provide "necessary traffic improvements" through implementation of traffic signals and other roadway improvements in Rock Hill;*
- *It will introduce a "walkable" residential community tied to neighborhood retail;*
- *It will provide retail space that could be tenanted by "small scale service related" businesses; and*
- *It will provide the Town with approximately half an acre of land to site an amenity of its choice.*

Comment 3.4-19 (Letter # 18: William J. Pammer, Jr., PhD, Sullivan County Division of Planning and Environmental Management December 19, 2008): The existing zoning is more in keeping with the intent of Sullivan, 2020 because it creates a transect whereby the hamlet center and commercial core graduates into a dense residential area and then into a rural residential area. Additionally, 2020 advocates mixed use development, where uses are integrated vertically and horizontally, not multi-use where uses are located within walking distance of each other, but do not share buildings. This plan does not constitute a mixed use development, and it questionable whether it even constitutes a multi-use development, since there are no proposed sidewalks.

Response 3.4-19: *The existing zoning will be maintained and the project will be developed in accordance with the allowed uses in the existing zoning district. Also please note that there are sidewalks in the proposed development.*

Comment 3.4-20 (Letter # 18: William J. Pammer, Jr., PhD, Sullivan County Division of Planning and Environmental Management December 19, 2008): The proposed new commercial development along with the proposed traffic mitigation will likely adversely impact the existing commercial corridor on Rock Hill Drive. It has been shown that existing downtowns lose business to larger shopping venues and will often cease to thrive. The existing commercial area will lose business for two reasons: 1) competition from the new town center, and 2) the traffic congestion and increased number of lanes, which will create difficulties in traffic entering and exiting the existing commercial properties.

Response 3.4-20: See responses to Comments 3.4-13, 3.4-14 and 3.4-16 above.

Comment 3.4-21 (Judy Cutler, Public Hearing, December 10, 2008): Its size and location will not be in harmony with the area as I do believe is required by the town zoning laws.

Response 3.4-21: *The project, as currently proposed, conforms to existing zoning.*

Comment 3.4-22 (Susan Roth, Public Hearing, December 10, 2008): And they also feel that discounting for seasonal population is inappropriate given the type of development it is and the purpose of this particular development and the definitions that are provided for seasonal development, the community bungalows and for permanent residents. So they feel that all analysis should be based off of a permanent resident population.

Response 3.4-22: *The population projections for the development are based on the anticipated buyers rather than reflecting current Sullivan County demographics which would suggest a significantly higher senior population and a significant seasonal population. The projected population figures are therefore a "worse case scenario" as the development may attract more seniors that anticipated and some seasonal residents. Refer to FEIS Appendix H for population projections of the proposed Residential Alternative.*

Comment 3.4-23 (Melinda Ketcham, Public Hearing, December 10, 2008): Also, it has been shown that downtown centers that are in competition with larger commercial centers will often cease to thrive.

Response 3.4-23: *See response to 3.4-13 above.*