

WEINBERGER SUBDIVISION FINAL ENVIRONMENTAL IMPACT STATEMENT

Proposed Action: 48 Lot Single Family Residential Subdivision

Grandview Avenue and South Parker Drive
VILLAGE OF MONTEBELLO, TOWN OF RAMAPO, ROCKLAND COUNTY, NEW
YORK

Tax Map Numbers:
Section 41.13, Block 2, Lot 5
Section 41.13, Block 2, Lot 6
Section 41.17, Block 1, Lot 5
Section 41.17, Block 1, Lot 6

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Lead Agency Acceptance Date: November 14, 2006
Date of Public Hearing: December 12, 2006
Written Comments Will be Considered by the Lead Agency for a Minimum of Ten Days
After the Close of the Public Hearing.

November 14, 2006

LIST OF PROJECT CONSULTANTS

This document was prepared by the project sponsor at the direction of the Lead Agency. The following consultants provided the information and data in the DEIS and this document:

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WEINBERGER SUBDIVISION
Final Environmental Impact Statement

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**Full Size Drawings from the FEIS Appendices are
available for review at the office of the Lead Agency**

1.0 INTRODUCTION

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

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

SEQRA Background

The Project Sponsor prepared a DEIS in response to a Positive Declaration issued by the Village of Montebello Planning Board. The DEIS scope was established by a scoping outline developed by the Planning Board, acting as lead agency, in cooperation with all other involved agencies and interested parties. The Planning Board adopted a Final Scoping Document for the DEIS on June 14, 2005. The accepted scope outlining the information that was to be covered in the DEIS is provided in Appendix A of the DEIS.

The Preliminary DEIS (PDEIS, or Draft DEIS prior to adoption) was submitted to the Village of Montebello on November 4, 2005, which reviewed it with respect to its scope and content for the purpose of public review. The Planning Board issued a Notice of Completion of the DEIS and a Notice of SEQRA Hearing on December 13, 2005. The lead agency held a public hearing on the DEIS on January 10, 2006, which was continued and closed on February 14, 2006. Written comments were received until February 24, 2006.

In accordance with SEQRA, this FEIS provides written responses to substantive and relevant comments on the DEIS received by the lead agency during the public review period, including oral comments made at the public hearing. Complete copies of all written comments received on the DEIS are included in Appendix B of this FEIS. A transcript of the public hearing is provided in Appendix C.

Summary of Proposed Action

The Project Sponsor, George Weinberger, has made application to subdivide the 85.15-acre Weinberger Subdivision project site, install the required infrastructure, and develop 48 single-family residential homes in response to a continued need and demand for housing in the Village of Montebello and Rockland County. The proposed project provides residences in conformance to zoning and the Comprehensive Plan in a manner respectful of on-site wetlands and regulated areas.

The Project Sponsor proposes to dedicate the roadways within this development to the Village. Both a Standard Layout and a Cluster Layout are analyzed equally in the DEIS at the request of the Planning Board, although the Cluster Layout is the preferred layout of the Project Sponsor. The Project Sponsor has provided alternative layouts, some with connections to South Parker Drive and some without. It includes a 23.85-acre open space parcel that is proposed to be dedicated to the Village as open space, increasing the Village's supply of protected open space.

Project Layout

Standard Layout Plan

The general design concept for the Standard Layout is a conventional subdivision layout that will meet or exceed the minimum required lot size of the RR-50 District of 50,000 square feet. Most lot sizes are slightly larger than 50,000, with several containing net lot areas exceeding 80,000 square feet. A stormwater management area spans the rear portions of four lots (Lots 3, 4, 9 and 10). There will be a declaration of restrictive covenants and easements that stipulates that there can be no construction or alteration of the detention basin and specifying the responsibilities for maintenance of the detention basin. As an alternative, easements to these detention basins can be transferred to the Village of Montebello (see Figure 1-1: Standard Layout Plan and Figure 1-3: Standard Grading and Drainage Plan).

The curvilinear road system avoids wetland areas located primarily on the western side of the site, and is comprised of a total of approximately 5,200 linear feet of roadway. Two points of site access are proposed on Grandview Avenue opposite Wesley Chapel Road and approximately 500 feet west of Wesley Chapel Road. Two other access points are from an extension of South Parker Drive and from Carroll Drive. Development of the individual lots is possible with minimum disturbance of wetlands and stream corridors.

The plan includes easements on Lots 9 and 10 to allow for maintenance access to the drainage basins. An access driveway comprised of crushed stone is proposed along the common lot line of these two lots.

The Standard Layout Plan for the project conforms with the existing zoning of the project site and dimensional requirements, with the exception of the lot widths of eight of the proposed lots. These proposed lots have special bulk requirements entailing reduced lot widths, pursuant to Zoning Code Article IV, Part 5. This section of the Zoning Code allows the Planning Board to modify yard, setback, lot width, and frontage requirements for single family homes in the RR-50 District, including reductions of these dimensional requirements by up to 50 percent where preservation of environmental features is deemed to be important. In the case of the 175-foot lot width requirement, lots 2, 3, 7, 8, 9, 19, 20 and 21 are proposed to have lot widths ranging from between 55 percent and 85 percent of the minimum required to accommodate such preservation. Lots 2, 3, 19, 20 and 21 have reduced street frontage widths of between 50 percent and 70 percent of the requirement for lot widths of 100 feet or more since they front on cul de sacs. These variations from dimensional requirements are necessary so that the on-site roadway and proposed lots can be designed in a way that avoids disturbance of wetlands and watercourses on the site to the maximum extent possible.

The Standard Layout Plan is consistent with the Village's recommended Land Use Plan from its 2003 Comprehensive Plan, which designates the project site for Rural Residential use at a minimum density of 50,000 square feet of lot area per dwelling unit. The design also supports recommendations of the Comprehensive Plan related to natural resources, by avoiding to the maximum extent possible impacts to on-site wetlands and water courses. Related to historic resources, the project is consistent with the Comprehensive Plan recommendations to avoid unnecessary alteration to existing pavement widths on Grandview Avenue and Spook Rock Road. With 48 four-bedroom single-family homes, the proposed subdivision has an overall

density of one unit per 1.76 acres of land. The project would also be consistent with the existing residential character of the surrounding neighborhoods.

In response to comments on the DEIS, the Project Sponsor has revised the Standard Layout Plan. As described in detail in Chapter 3.0, these revisions include changes to the grading plan that reduce proposed grading around the homes. The finished grades adjacent to the proposed homes were lowered and the local grading in the vicinity of the proposed homes has been clarified. Limits of clearing have been substantially reduced. The earthwork has also been balanced by accounting for basement excavation and the amount of material that would need to be exported by truck transport has been substantially reduced. Additional existing stone walls have been retained in the Standard Plan, with some proposed for relocation to property lines where necessary in order to preserve these walls at the request of the Village Planner. The drainage system has been modified related to an existing drainage ditch, with water that is currently piped to the ditch from the east proposed to be re-routed to the south via a pipe and conveyed to an onsite stream, thereby eliminating the need to pipe the ditch in the vicinity of several homes. Finally, in response to a comment from the Planning Board, homes that face Grandview Avenue that were located as close as 100 feet from Grandview Avenue have been set back at a minimum of 150 feet, and the orientation of these homes closest to Grandview Avenue has been modified so that the rear portions of these homes will not face Grandview Avenue.

Cluster Layout Plan

The Cluster Layout Plan (see Figure 1-2: Cluster Layout and Figure 1-4: Cluster Grading and Drainage Plan) contains the same number of dwellings as the Standard Layout Plan, or 48 single-family homes, but is designed with a 23.85-acre open space lot that encompasses most of the wetlands on the west side of the site and provides an open space connection between Ward-Ling Park and Orchard Hills Park. This is the preferred plan of the Project Sponsor of the alternatives that include a connection to South Parker Drive. The Alternative Cluster Layout with Cul De Sac Ending Before South Parker Drive that is described at the end of this chapter and in Chapter 4.0 is the Project Sponsor's preferred alternative, since it responds to the concerns of residents along South Parker Drive (see Figure 1-7).

Under the Cluster Plan, most proposed lot sizes range from approximately 35,000 to 40,000 square feet in size, with several being nearly two acres in gross lot area. The length of roadway proposed under the Cluster Layout (approximately 4,900 linear feet) is shorter than under the Standard Layout Plan. By utilizing smaller lot sizes, a large area of open space is preserved on the western portion of the project site. This area is proposed for dedication to the Village of Montebello for public use. This alternative design for the project has been prepared pursuant to the Average Density provisions of the Village of Montebello Zoning Code that allow variation from the underlying RR-50 bulk requirements to achieve a greater preservation of open space and reductions in the amount of impact to wetlands and other natural features.

As with the Standard Layout Plan, the Applicant proposes access to each lot from the internal road system. A maintenance driveway is proposed between Lots 15 and 16 to access the proposed stormwater management area. This access driveway would be comprised of crushed stone and would be located on land offered for dedication to the Village of Montebello.

The Cluster Plan has been designed pursuant to the Average Density provisions of Article IV of the Village of Montebello Zoning Code. These regulations authorize the Planning Board to modify the applicable bulk and area provisions of the Zoning Code including minimum lot area

requirements and lot width, lot frontage, side yard and rear yard setbacks, and street frontage requirements. A large area of preserved open space on the western portion of the site that connects to the site's eastern boundary is proposed for dedication to the Village subject to conditions of the Village related to ownership, use and maintenance of this area.

As with the Standard Layout Plan, the Cluster Layout would require a reduction in permitted lot widths and street frontage. Lots 6, 7, 21, 42 and 44 would require reductions of street frontage per Zoning Code Article IV, Part 3B. Lots 7, 9, 10, 21, 41 and 44 would require reduction of their required lot width, per Zoning Code Article IV, Part 5. All lots contain the minimum required lot area of 35,000, as specified in the Village Board's authorization for use of Average Density provisions for the Weinberger Subdivision.

The Cluster Plan is consistent with requirements of the Conservation Overlay District that specify that no disturbance occur within this area of the site that would affect its open, scenic and environmental qualities.

Like the Standard Layout Plan, the Cluster Layout complies with Subdivision Regulations of the Village of Montebello.

Revisions to Standard Layout Plan described above that have been made since the DEIS are also reflected in revised plans for the Cluster Layout, and would be incorporated into any of the potential alternative layouts.

Revisions and Supplements to the DEIS

As stated above, the Project Sponsor proposes modifications to the plans described in the DEIS in response to agency and public comments received on the DEIS. Following is a summary of

the plan changes for both the Standard and Average Density Layout, and a summary of substantive changes to information provided in the DEIS:

- The Grading Plan has been revised to reduce grading around the proposed homes, to balance earthwork during construction, and to reduce the limits of disturbance (see Chapter 3.1, Figure 3.1-1 and 3.1-2: Sample Lots Grading Demonstration and Sections).
- A figure has been provided that shows a typical clearing limit line for a single lot (see Figure 3.5-2).
- The locations of some driveways shown on the Standard and Cluster Layout plans, and plans for the Alternatives, have been revised, with these driveways located further away from proposed property lines than previously shown.
- Additional existing stone walls have been identified, and all of these walls are proposed for relocation.
- The proposed drainage system has been modified so that water currently conveyed in an existing ditch (Martha Road Drainage Ditch) will be re-routed to the south via a pipe and conveyed to an on-site stream.
- The orientation of homes closest to Grandview Avenue has been modified so that the rear portions of these homes will not face Grandview Avenue.
- An alternative has been prepared with homes that face Grandview Avenue that are located on the plans as close as 100 feet from Grandview Avenue set back at a minimum of 150 feet.
- A Cluster Alternative with two Grandview Avenue connections and a connection to South Parker Drive has been added and evaluated.
- The project engineer has recalculated projected water consumption. The DEIS projection of 19,200 gallons per day for the project has been revised to 21,600 gallons per day.
- Where basements are proposed and an unsurcharged positive underdrain outlet is not readily available in the storm drain system, a separate underdrain outlet system or a pump system will be provided.
- Where practicable, the project sponsor proposes to incorporate groundwater recharge through the implementation of leaching wells in order to maintain groundwater levels and to

assist in meeting NYSDEC water quality requirements and zero net peak discharge requirements.

- In order to prepare a more conservative design related to drainage, the Drainage Report reflects an additional 20 percent proposed development coverage of lots under the "typical" development coverage indicated in the Standard Layout and Cluster Layout Plans.
- Speed data was collected for Grandview Avenue that confirmed that there is adequate Sight Distance at the proposed entrances off Grandview Avenue under all alternative layouts. Sight distances notes have been added to the plans.
- Standard plan details have been added to the plans.
- The use of a "Farm Column" with a fading wall is proposed to delineate wetland areas for future homeowners (see Figure 1-8).
- Phase 1 and Phase 2 archeological investigations have been completed and sent to NYS Office of Parks, Recreation and Historic Preservation for review. (see Appendix).
- A Sewer Analysis has been prepared and is on file at the offices of the Lead Agency.
- Based on updated school data that indicates lower public school children generation rates than those indicated in the DEIS (projected increase in public school enrollment of between three and 53 students versus DEIS estimate of 60 public school children), the project sponsor has revised the phasing plan for the Weinberger Subdivision. Given the uncertainty as to the number of anticipated public school children that may reside in the development, the occupancy of residential units will be phased over several years to allow the school district to adapt to increased enrollment as needed. A total of 12 certificates of occupancy (COs) shall be issued within 12 months of the first CO being issued. A total of 24 COs shall be issued within 24 months of the first CO being issued. A total of 36 COs shall be issued within 36 months of the first CO being issued. A total of 48 COs shall be issued within 48 months of the first CO being issued. Certificates of occupancy for any model home permitted by the Planning Board shall be subject to the provided schedule. After the first 18 lots are sold, the project sponsor may request relief from the Planning Board of the CO limitations discussed herein, based upon the potential impact on the public school district.

[The lower rates of school children anticipated from the proposed project is based on 1) updated data for the Montebello Pines subdivision from the Ramapo Central School District that show 18 percent fewer school age children than previously indicated by the School District; and, 2) comparison to school age children multipliers from 79 homes in the Ramapo Central School District located in the neighborhood directly to the east of the Weinberger Subdivision project site (Martha Road, Judith Lane, Quince Lane, Antoinette Court and Celia Court). The revised data for Montebello Pines indicates that the current total of 208 students residing there results in a reduced multiplier of 1.1818 students per household, versus the previous projection based on Montebello Pines of 1.4375 students per household. According to the School District, approximately seven percent of these children attend private schools. For the neighborhood immediately adjacent to the project site, the Ramapo Central School District indicates even lower rates of school children, with most of those children attending private schools. Each of these 79 households contains, on average, one school age child (total of 79 school age children). Seventy four of these children attend

private schools and five of these children attend public schools, including Cherry Lane Elementary School, Suffern Middle School and Suffern High School.¹ The average of the updated Montebello Pines data (1.1818 public school children per household) and neighborhood data for streets located to the east (0.063 public school children per household) indicates a projected increase in enrollment of 28 public school students from the Weinberger Subdivision once fully occupied. School District revenues of \$622,269 are anticipated. Based on demographic multipliers of the adjacent neighborhood, with only three public school children residing at the Weinberger Subdivision, a tax surplus of \$577,866 would result. Based on the revised demographic multipliers of the Montebello Pines neighborhood (53 public school children), the School District would incur a net cost of \$162,184. Based on an average of the Montebello Pines and adjacent neighborhood demographic multipliers, projected increases in enrollment would result in school district costs of \$414,428 and would result in a net tax surplus to the Ramapo Central School District of \$207,841.]

- The project sponsor's engineer has coordinated with the Rockland County Highway Department and confirmed that a 25-foot radius is appropriate and has added this dimension to the Grandview Avenue Intersection Detail Figure in Chapter 3.6.
- Sight distances noted in the DEIS have been added to the plans.
- The curbing detail showing the 15-foot taper has been added to the Grandview Avenue Intersection Detail (see Chapter 3.6).
- The location and construction detail for the Anti-Tracking Pad has been added to the Grandview Avenue Intersection Detail (see Chapter 3.6).
- The second to last paragraph on DEIS Page 3.6-2 of the DEIS incorrectly states that Grandview Avenue provides north-south movement in the Village of Montebello; Grandview Avenue provides east-west movement. This revision to the DEIS is noted by reference.
- DEIS Page 3.10-4 states the Town handles solid waste for this development. This is incorrect. Section 3.10.8 states the Town of Ramapo Department of Public Works provides Municipal refuse collection and disposal services. This is incorrect. Refuse collection is handled by private carters. These revisions to the DEIS are noted by reference.
- A former Columbia Gas Corp. gas line that was abandoned in 1991 that runs through the southern portion of the project site will be removed by Columbia Gas Corp. pursuant to the provisions of the Agreement For Removal Of Abandoned Transmission Pipeline found in Appendix G. Columbia Gas Corp. will be responsible for any necessary permitting relating to this activity, including but not limited to a Land Disturbance Permit from the Village of Montebello Building Department.

Alternatives Considered

The New York State Environmental Quality Review Act (SEQRA) calls for a description and evaluation of the range of reasonable alternatives to the proposed action that are feasible, considering the objectives and capabilities of the Project Sponsor. As previously mentioned,

¹ Joan Lauder, Ramapo Central School District, telephone interviews 8/15/06 and 8/17/06.

both a Standard Layout Plan and Cluster Layout Plan were analyzed in detail in the DEIS, although the Cluster Layout is the Applicant's preferred alternative. In addition to the Cluster Layout Plan alternative, four other alternatives were evaluated in the DEIS. A final alternative entailing a Cluster Layout Plan with access points from Grandview Avenue only and a cul de sac roadway ending before South Parker Drive (potentially with emergency access only from the eastern end of the cul de sac) is evaluated herein as a result of comments received from residents of South Parker Drive at the public hearing on the DEIS.

The following alternatives have been evaluated for the Weinberger Subdivision.

- No Action Alternative
- No Discretionary Approvals Alternative
- Cluster Subdivision Alternative
- Alternative with Modified Road Layout
- Alternative with No Connection to South Parker Drive
- Cluster Layout with Two Grandview Avenue Connections

No Action Alternative

The No Action Alternative can be considered to be either the scenario that would occur if no development were to take place on the project site, or a plan that requires no discretionary actions of the Planning Board in order to gain subdivision approval. This second interpretation of the No Action Alternative would entail a project that requires no wetland permits, and no zoning waivers, or other discretionary approvals.

The first scenario is effectively an alternative in which nothing is built on the site. The No Action Alternative would defer a development proposal to an uncertain time in the future. The site would remain in its current state for the time being, mostly undeveloped with one single family house. A summary of impacts of this alternative, as compared to the Standard Layout, is presented in Table 1-1 below and described in Chapter 5.0 of the DEIS. No grading or disturbance to soils or topography would occur under a No Action Alternative in which no construction-related impacts would occur. There would be no public ownership of the on-site wetlands under the No Action Alternative. No roadway connection through the project site from Grandview Avenue to South Parker Drive would be established. Given the viability of this site for development under the existing zoning regulations of the Village, as demonstrated by this project proposal and the former Rosedale and Valley Manor proposal, the No Action Alternative -- or the continuation of the primarily vacant state of the project site -- is not a likely alternative.

Another interpretation of the No Action Alternative could include development of the site with a use and layout that would not require any discretionary approvals, as stated above. A single-family Subdivision Layout that requires no discretionary approvals would preclude any construction within 100 feet of a perennial watercourse or within 50 feet of an intermittent watercourse. This restriction would effectively eliminate access to and use of approximately 35 percent of the existing upland areas that are suitable for development. This restriction would severely limit the number of single family homes on the property such that the project would no longer meet the Applicant's goals for this property. The owner would therefore submit a Site Plan Application featuring a combination of single-family homes and a non-residential alternative use permitted by law.

Cluster Alternative

Article IV of the Zoning Code of the Village of Montebello allows the Village Board to authorize the Planning Board to modify applicable bulk and area provisions of the Zoning Code under Average Density provisions, commonly referred to as cluster zoning. The purpose of clustering is to encourage flexibility of design and development of land to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open land. An alternative development plan for a cluster-type development allowing for preservation of a large area of open space on the western portion of the site is described above and is analyzed in detail in the DEIS. It should be noted that the Cluster Subdivision is the preferred alternative of the project sponsor of the alternatives with access to South Parker Drive. This alternative plan results in the development of the same number of units (48) as under the Standard Layout Plan, but with smaller proposed lots. This alternative would result in lower impacts to the project site from grading and disturbance to soils and topography. Disturbance of wetlands or their regulated areas would also be reduced under the Cluster Layout Alternative. Table 1-1 below provides a comparative summary of impacts.

Alternative with Modified Road Layout

The Alternative with a Modified Road Layout utilizes the basic layout of the Cluster Plan, but includes an emergency access gate in the southeastern corner of the project site. As a result, 11 of the proposed homes take access from a cul-de-sac extension of South Parker Drive. The emergency access gate would prevent through traffic from the site directly accessing South Parker Drive. All other aspects of this alternative are similar to the Cluster Layout alternative, with the exception that this alternative would result in lower levels of traffic utilizing South Parker Drive, but possibly slightly higher levels using Martha Road since 65 percent of residents gaining access from South Parker Drive would distribute up Martha Road toward Spook Rock Road. (See Figure 1-6: Alternative Cluster Layout #2.)

The Monsey Fire Department and Town of Ramapo Police Department both indicate a preference for alternatives that maintain open roadway access between Grandview Avenue and South Parker Drive through the project site. As described in Chapter 3.10 of the DEIS, according to Lieutenant Gravina of the Town of Ramapo Police Department, a site plan which included limited access throughout the subdivision, including locked gates, would not be acceptable to the Department. Similarly, the Monsey Fire Department (see July 6, 2005 letter in DEIS Appendix B from Chief Andrew Schlissel, Monsey Fire Department) has indicated that without clear access from South Parker Drive, the Department's 'fire apparatus would have to respond much further (up to nearly a mile depending on where in this subdivision the fire is) adding several minutes to their response time.'

The Village of Montebello Subdivision Regulations indicate that culs-de-sac must serve no more than 14 dwelling units. Without the residents' roadway connection to South Parker Drive under the alternative cluster layouts shown in figures 1-5 and 1-6, the proposed onsite roadways would provide access for up to 37 homes via one curb cut on Grandview Avenue for Alternative #2 and all 48 would be accessed via one curb cut for Alternative #1. This layout would therefore not be consistent with regulations regarding the maximum length of a cul-de-sac of the Village of Montebello Subdivision Regulations, and would be unacceptable to area emergency service providers. Under Alternative Cluster Layouts #1 and #2, residences on on-site residential streets near the curb cut with Grandview Avenue will have to endure between 300 to 500 daily vehicular trips, where residential cul-de-sacs are recommended for no more than 200 trips per

day by the Urban Land Institute, National Association of Home Builders, American Society of Civil Engineers and the Institute of Transportation Engineers in their published document "Residential Streets" third edition. By instead providing a secondary full-time access to South Parker Drive as shown in Figure 1-2 and providing a tertiary full-time access on Grandview Avenue as shown in Figure 1-7, traffic loads will distribute more and result in fewer trips past residences nearest the collector.

Alternative with No Connection to South Parker Drive

The Alternative with No Connection to South Parker Drive is also a variation on the Cluster Layout. Under this alternative, an emergency access gate is located at the current terminus of South Parker Drive. Therefore, the only difference between this alternative and the previous Modified Road Layout alternative relates to the emergency access location. Under this alternative, all residential traffic accessing the site would come from Grandview Avenue. All other aspects of this alternative are similar to the Cluster Layout alternative. (See Figure 1-5: Alternative Cluster Layout #1.)

This alternative would raise similar concerns from emergency service providers regarding the need for unobstructed roadway access to South Parker Drive as the previous alternative described above. It would also meet the Subdivision Regulation limit of 14 homes per cul de sac.

Cluster Layout with Two Grandview Avenue Connections

The new Cluster Layout with Two Connections to Grandview Avenue decreases the number of proposed homes on proposed cul de sacs and onsite roadways. This alternative also utilizes Average Density (Cluster) zoning provisions allowing lot sizes as low as 35,000 square feet, but would have two roadway intersections with Grandview Avenue instead of one (see Figure 1-7). Like the Cluster Layout, the roadway layout under this alternative is curvilinear, and the use of flexible dimensional requirements pursuant to Average Density zoning provisions allows for the preservation of a large open space on the western portion of the site. This alternative would have similar traffic effects as the Standard Layout Plan, with two points of access from Grandview Avenue. Other than the additional access point to Grandview Avenue, environmental effects would be generally similar to those of the Cluster Layout.

The following table provides a comparison of the various alternatives that were evaluated in the DEIS.

**Table 1-1
Alternative Impact Comparisons**

Area of Concern	No Action	Standard Layout Plan	Cluster Layout Plan	Modified Road Layout Alternative	Alternative with No Connection to South Parker Drive	Cluster Layout with Two Grandview Avenue Connections
Developed Area						
Residential Units	0	48	48	48	48	48
Impervious Surfaces (acres)	0.62	8.71	8.36	8.36	8.36	8.65*
Lawn/ Landscaping (acres)	1.14	28.03	23.72	23.72	23.72	20.86*
Water Quality Basins	0	2.43	2.36	2.36	2.36	2.36
Open Space Resources (acres)						
Woods (uplands)	64.87	44.98	49.71	49.71	49.71	52.28*
Natural Resource Impacts (acres)						
Total Construction Disturbance	0	39.17	34.44	34.44	34.44	31.87*
Wetland Disturbance	0	0.18	0.11	0.11	0.11	0.11
Community Resources						
Population	0	201	201	201	201	201
Water Demand (gallons per day)	0	21,600	21,600	21,600	21,600	21,600
School-age Children	0	3 to 53	3 to 53	3 to 53	3 to 53	3 to 53
Net Revenue Surplus/(Deficit) to School District	\$39,629	\$577,866 to (\$162,184)	\$577,866 to (\$162,184)	\$577,866 to (\$162,184)	\$577,866 to (\$162,184)	\$577,866 to (\$162,184)
Traffic						
Residential Access	Grandview Avenue	Grandview Avenue (2), South Parker Drive (1) Carol Drive (1)	Grandview Avenue (1), South Parker Drive (1)	Grandview Avenue (1) (37 homes), South Parker Drive (1) (11 homes)	Grandview Avenue (1)	Grandview Avenue (2), South Parker Drive (1)
Emergency Only Access	None	None	None	Between Site Roadways	South Parker Drive (1)	None
Traffic Generation (Total AM Peak Hour Trips/ Total PM Peak Hour Trips)	0	43/56	43/56	43/56	43/56	43/56

Source: Leonard Jackson Associates; Tim Miller Associates, Inc.

*Acreage indicated is an estimate and not based on fully engineered grading plan.

List of Involved and Interested Agencies

Approvals and referrals required for this project and agencies having approval and permitting authority for the proposed action ("Involved Agencies") are listed below:

Subdivision Approval, Village Wetland and Watercourse Permit, Modification of Bulk Requirements

Village of Montebello Planning Board, as Lead Agency
Village of Montebello
One Montebello Road
Suffern, New York 10901

Acceptance of Dedicated Lands, Public Streets, Utilities and Easements

Village of Montebello Board of Trustees
Village of Montebello
One Montebello Road
Suffern, New York 10901

Water and Sewer Design, Extension and Connection, Subdivision Approval

Rockland County Health Department
Dr. Robert Yeager Health Center, Building D
Pomona, New York 10970

Water and Sewer Connection

Rockland County Sewer District #1
4 Route 340
Orangeburg, NY 10962

Section 239 Referral (within 500 feet of Municipal Border or County Road, or within 100 feet of a County Stream)

Rockland County Planning Department
Dr. Robert Yeager Health Center, Building T
Pomona, New York 10970

SPDES General Permit for Stormwater (GP-02-01), State Protection of Waters Permit and Water Quality Certification Review, State Wetland Permit

New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, NY 12561

Nationwide Permit #39 for Wetland Activities

U. S. Army Corps of Engineers
Division of Regulatory Affairs, Eastern District
26 Federal Plaza
New York, NY 10278

Rockland County Stream Control Act Permit

Rockland County Drainage Agency
23 New Hempstead Road, New City, New York 10956

County Roadway Work Permit, Road Opening Permit, and Tree Trimming Permit

Rockland County Highway Department, Permits Division
23 New Hempstead Road
New City, New York 10956

Interested Agencies for the project are listed below:

- Town of Ramapo Police Department
- Brewer Fire Engine Company #1, Monsey Fire District
- Ramapo Valley Ambulance Corps
- New York State Office of Parks, Recreation and Historic Preservation
- Ramapo Central School District
- Village of Wesley Hills
- Town of Ramapo
- Rockland County Historic Preservation Board
- United Water NY

This FEIS is arranged in sections, with comment summaries and responses arranged by subject area similar to the DEIS. A comment summary, in some cases, may incorporate more than one individual comment on the same subject, followed by a response to that comment. The sources of each comment are referenced. The format of the comments and responses is as follows:

Comment # (Source): Comment summary text.

Response #: Response text.

Substantive and relevant comments taken from the letters and hearing transcript are marked with references to the FEIS comment/response numbers in the margins of Appendix B and C, respectively.



LOT NUMBER	GROSS AREA (SQ. FT.)	NET AREA (SQ. FT.)	NET AREA (SQ. FT.)	NET AREA (SQ. FT.)
1	54,240	11,539	-	32,701
2	120,975	-	36,002	84,973
3	273,367	-	222,209	51,158
4	239,371	67,407	171,963	50,141
5	77,615	6,019	71,596	50,331
6	135,734	3,005	82,724	50,005
7	110,184	1,085	50,209	58,898
8	86,808	-	43,002	43,806
9	119,475	-	37,263	82,212
10	98,990	-	42,751	56,239
11	68,800	-	18,625	50,175
12	52,937	-	1,669	51,268
13	57,427	-	7,418	50,008
14	57,855	-	7,851	50,003
15	52,234	-	2,176	50,058
16	50,005	-	-	50,005
17	50,080	-	-	50,080
18	59,430	-	8,277	51,153
19	81,132	-	27,416	53,716
20	82,958	-	32,780	50,178
21	51,115	-	1,109	50,006
22	50,700	-	-	50,700
23	50,000	-	-	50,000
24	50,000	-	-	50,000
25	50,000	-	-	50,000
26	50,000	-	-	50,000
27	50,000	-	-	50,000
28	50,000	-	-	50,000
29	50,000	-	-	50,000
30	50,004	-	-	50,004
31	50,702	-	-	50,702
32	50,000	-	-	50,000
33	50,000	-	-	50,000
34	50,000	-	-	50,000
35	50,000	-	-	50,000
36	50,000	-	-	50,000
37	50,000	-	-	50,000
38	50,004	-	-	50,004
39	50,000	-	-	50,000
40	53,568	3,298	-	50,270
41	51,009	130	-	50,879
42	50,001	-	-	50,001
43	50,000	-	-	50,000
44	50,000	-	-	50,000
45	50,063	-	-	50,063
46	54,144	-	-	54,144
47	51,588	-	-	51,588
48	50,119	-	-	50,119

- NOTE: 1. DEDUCTIONS REPRESENT 100% OF ENCUMBRANCE.
 2. WHERE MORE THAN ONE ENCUMBRANCE OCCURS AT A CONCORDANT LOCATION, THE AREA WAS DEDUCTED ONCE.
 3. WETLAND AREA REPRESENTS THE COMBINED AREA OF THE NYSDDEC (B VILLAGE) AND ACCE WETLANDS.
 4. NYSDDEC FRESHWATER WETLAND BOUNDARY WAS VALIDATED BY THE NYSDDEC ON 11/03/02. VALIDATION EXPIRES IN THREE YEARS.
 5. ACCE FRESHWATER WETLAND BOUNDARY WAS VALIDATED BY THE ACCE ON 9/26/02. VALIDATION EXPIRES IN FIVE YEARS.
 6. NET LOT AREAS FOR LOTS 5, 6, 40, 41 AND 48 DO NOT INCLUDE DSJ DEDICATION AREA.

BREAKDOWN OF LOTS WITH SPECIAL BULK REQUIREMENTS

LOT NUMBER	LOT WIDTH (FT.)	% OF 88-50 LOT WIDTH (175 FT.)	STREET FRONTAGE (FT.)	% OF 88-50 STREET FRONTAGE (100 FT.)
2	97	55%	50	50%
3	115	65%	58	58%
7	124	71%	N/A	N/A
8	124	71%	N/A	N/A
9	124	71%	N/A	N/A
19	102	58%	52	52%
20	146	83%	70	70%
21	96	55%	50	50%

LOTS 2, 3, 9, 20, & 21 REQUIRE REDUCTION OF LOT FRONTAGE AS PER ZONING CODE SECTION 195-14B.
 ALL LOTS LISTED ABOVE REQUIRE REDUCTION OF LOT WIDTH AS PER ZONING CODE SECTION 195-14B.

- NOTES:
 1. SITE AREA:
 a. TOTAL SITE AREA = 84.15 ± ACRES
 b. AREA OF INDIVIDUAL LOTS:
 LOT 5, IN BLOCK 2, SECTION 41.13 = 39.6 AC
 LOT 5, IN BLOCK 3, SECTION 841.13 = 3.8 AC
 LOT 5, IN BLOCK 1, SECTION 41.17 = 20.1 AC
 LOT 6, IN BLOCK 1, SECTION 41.17 = 20.65 AC
 2. 48 LOTS TOTAL.
 3. ALL ROADS INCLUDE A 30 FT GROSS SECTION WITH BELGIAN BLOCK CURBS. REFER TO TYPICAL CROSS SECTION.

LEGEND

- PROPERTY LINE
- - - DESIGNATED STREET LINE
- - - 100 YEAR FLOOD PLAN BOUNDARY
- - - FLOODWAY
- ▨ CHANNEL AREA OF WATERCOURSE OR DITCH
- - - REGULATED AREA OF WATERCOURSE OR DITCH
- - - NYSDDEC (B VILLAGE) WETLAND
- - - NYSDDEC (A VILLAGE) WETLAND REGULATED AREA
- - - ACCE WETLAND
- - - DOMAINS NYSDDEC (B VILLAGE) & ACCE WETLAND



Figure 1-1: Standard Layout Plan.
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 10/05/2006

P:\dwgs\03103126\FE1's Dwg\1B-Layout Cluster.dwg, Figure 1-2 (11x17), 10/5/2006 12:18:16 PM, Oce 960\NGC1.x & 2.x.pc3, ANSI expand B (17.00 x 11.00 inches), 1:2.72



LEGEND

- 100' FLOODWAY
- DESIGNATED STREET LINE
- 100 YEAR FLOOD PLAN BOUNDARY
- FLOODWAY
- CHANNEL AREA OF WATERCOURSE OR DITCH
- REGULATED AREA OF WATERCOURSE OR DITCH
- N.Y.S.D.E.C. (N VILLAGE) WETLAND
- N.Y.S.D.E.C. (N VILLAGE) WETLAND REGULATED AREA
- ACCE WETLAND
- COMBINED N.Y.S.D.E.C. (N VILLAGE) & ACCE WETLAND

NET LOT AREA BREAKDOWN

LOT NUMBER	GROSS AREA (SQ. FT.)	FLOOD PLAN AREA (SQ. FT.)	WETLAND AREA (SQ. FT.)	NET AREA (SQ. FT.)
1	47,988	---	---	47,988
2	35,038	---	---	35,038
3	35,000	---	---	35,000
4	35,015	---	---	35,015
5	40,002	---	---	40,002
6	52,441	---	2,439	50,002
7	51,481	---	1,396	50,085
8	50,091	---	10,027	40,064
9	47,772	---	---	47,772
10	47,165	---	---	47,165
11	40,000	---	---	40,000
12	40,005	---	---	40,005
13	75,680	---	17,486	61,194
14	66,136	---	11,801	54,335
15	97,760	---	24,490	83,270
16	56,594	---	12,508	54,086
17	74,660	173	161	73,326
18	45,458	140	4,213	41,105
19	48,757	8,358	---	40,399
20	37,100	28	---	37,072
21	38,275	---	---	38,275
22	40,042	---	---	40,042
23	40,015	---	---	40,015
24	40,007	---	---	40,007
25	40,060	---	---	40,060
26	40,004	---	---	40,004
27	40,046	---	---	40,046
28	40,004	---	---	40,004
29	38,363	225	---	38,138
30	43,329	3,338	---	39,991
31	40,007	---	---	40,007
32	40,597	---	---	40,597
33	41,248	---	---	41,248
34	40,002	---	---	40,002
35	40,046	---	---	40,046
36	40,022	---	---	40,022
37	40,026	---	---	40,026
38	40,003	---	---	40,003
39	40,102	---	---	40,102
40	47,041	---	---	47,041
41	45,561	---	---	45,561
42	40,063	---	---	40,063
43	50,585	---	---	50,585
44	40,023	---	---	40,023
45	40,000	---	---	40,000
46	40,000	---	---	40,000
47	40,000	---	---	40,000
48	77,118	---	---	77,118

- NOTES:**
1. DEDUCTIONS REPRESENT 100% OF ENCUMBRANCE.
 2. WHERE MORE THAN ONE ENCUMBRANCE OCCUPIES A CONCOMITANT LOCATION, THE AREA WAS DEDUCTED ONCE.
 3. WETLAND AREA REPRESENTS THE COMBINED AREA OF THE N.Y.S.D.E.C. (N VILLAGE) AND ACCE WETLANDS.
 4. N.Y.S.D.E.C. FRESHWATER WETLAND BOUNDARY WAS VALIDATED BY THE N.Y.S.D.E.C. ON 11/03/02. VALIDATION EXPIRES IN THREE YEARS.
 5. ACCE FRESHWATER WETLAND BOUNDARY WAS VALIDATED BY THE ACCE ON 9/24/02. VALIDATION EXPIRES IN FIVE YEARS.
 6. NET LOT AREAS FOR LOTS 19, 20, 21, 29 AND 30 DO NOT INCLUDE DEDICATION AREA.

- NOTES:**
1. SITE AREA:
 - a. TOTAL SITE AREA = 84.15 ± ACRES
 - b. AREA OF INDIVIDUAL LOTS:
 - LOT 5, IN BLOCK 2, SECTION 41.13 = 39.6 AC
 - LOT 5, IN BLOCK 1, SECTION 41.17 = 3.8 AC
 - LOT 5, IN BLOCK 1, SECTION 41.17 = 20.1 AC
 - LOT 6, IN BLOCK 1, SECTION 41.17 = 20.65 AC
 2. 48 LOTS TOTAL.
 3. ALL ROADS INCLUDE A 30 FT CROSS SECTION WITH BELGIAN BLOCK CURBS. REFER TO TYPICAL CROSS SECTION.

Figure 1-2: Cluster Layout Plan
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 10/05/2006

\\dwgs103103126\FE\DWG\12A-Grading Standard.dwg, Figure 1-3, 10/5/2006 12:22:12 PM, Oce 9600 NG\... x & 2 x pc3, ANSI expand B (17.00 x 11.00 Inches), 1:2.7



Figure 1-3: Standard Grading and Drainage Plan
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 10/05/2006

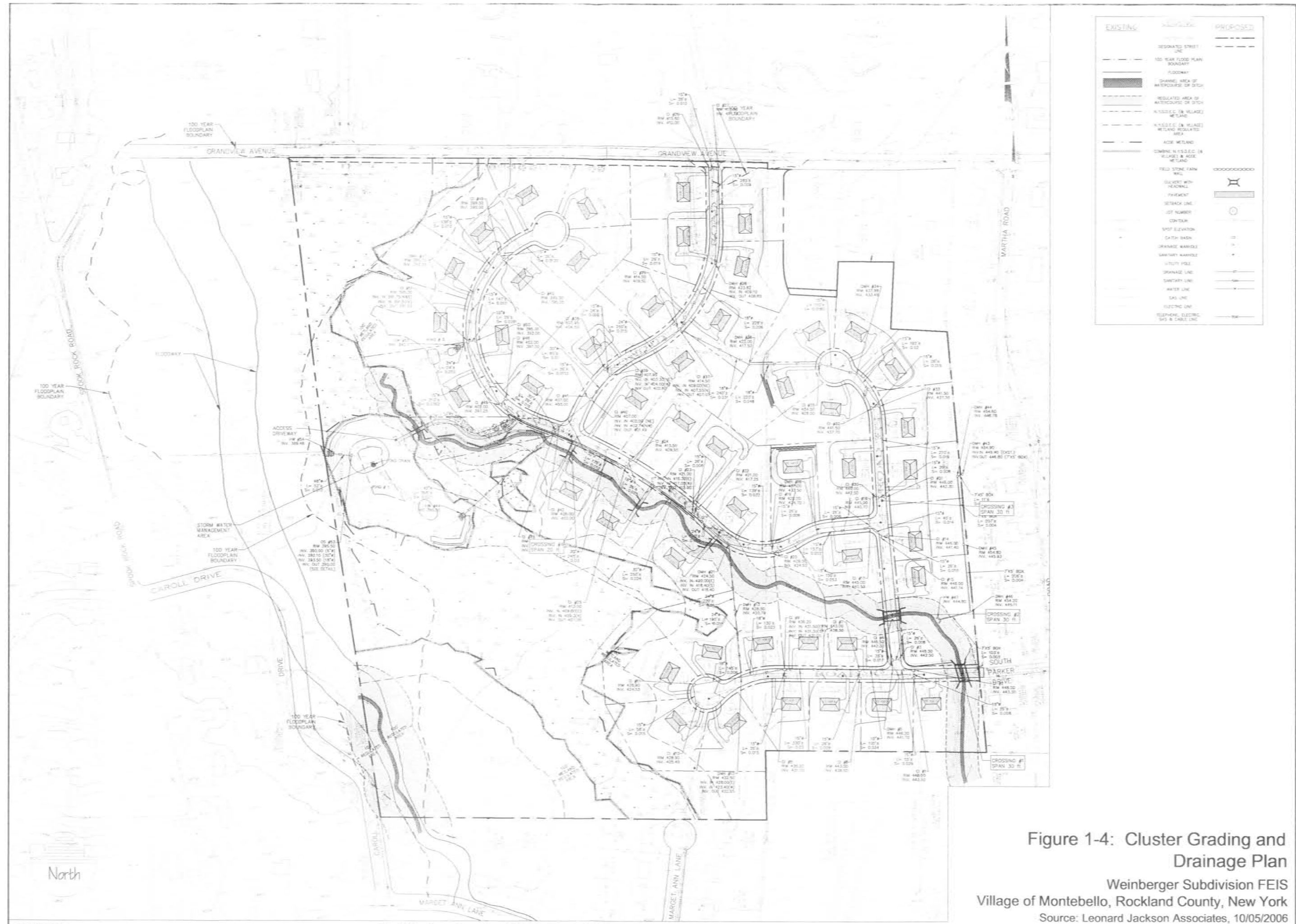


Figure 1-4: Cluster Grading and Drainage Plan
Weinberger Subdivision FEIS
Village of Montebello, Rockland County, New York
Source: Leonard Jackson Associates, 10/05/2006

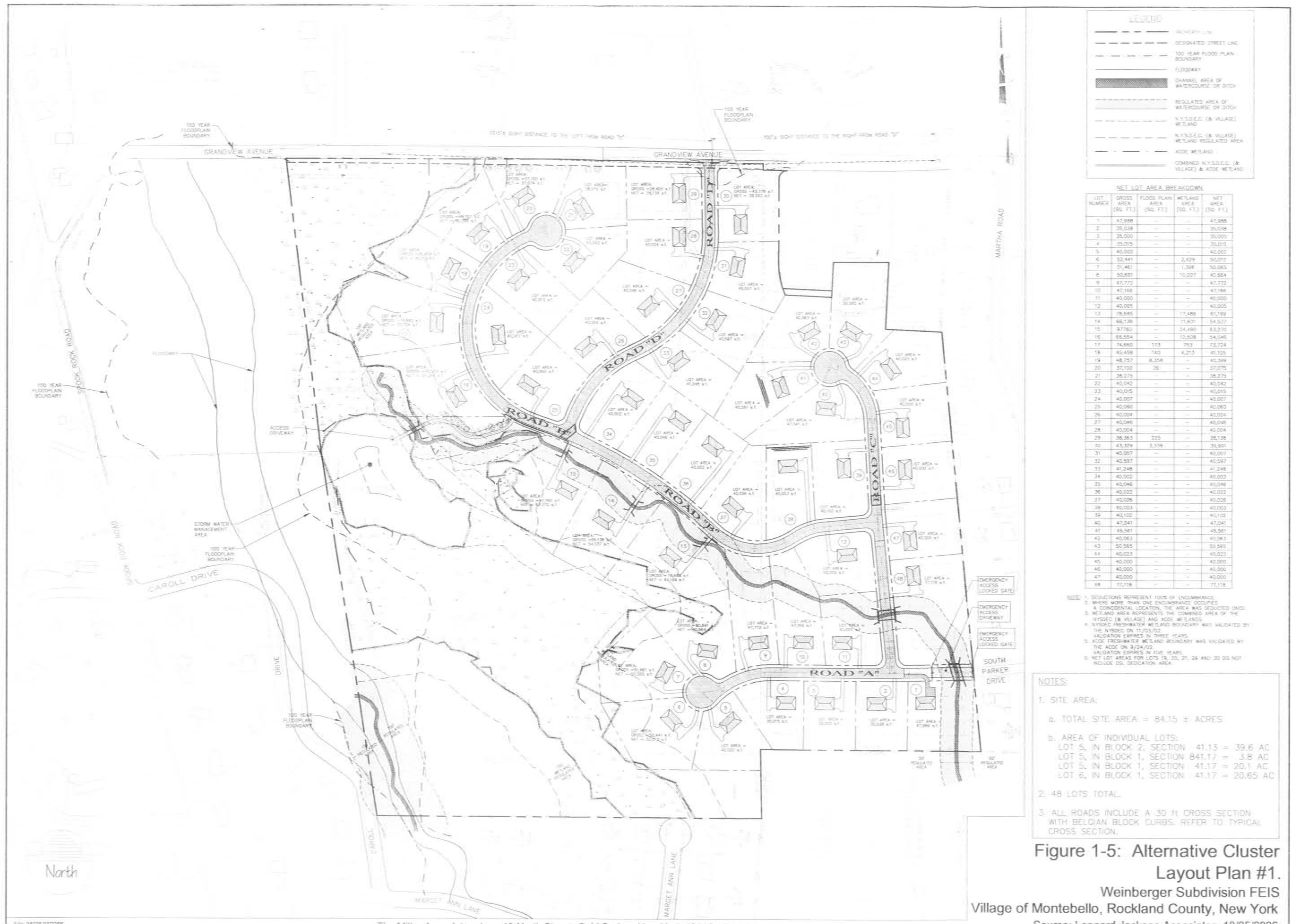
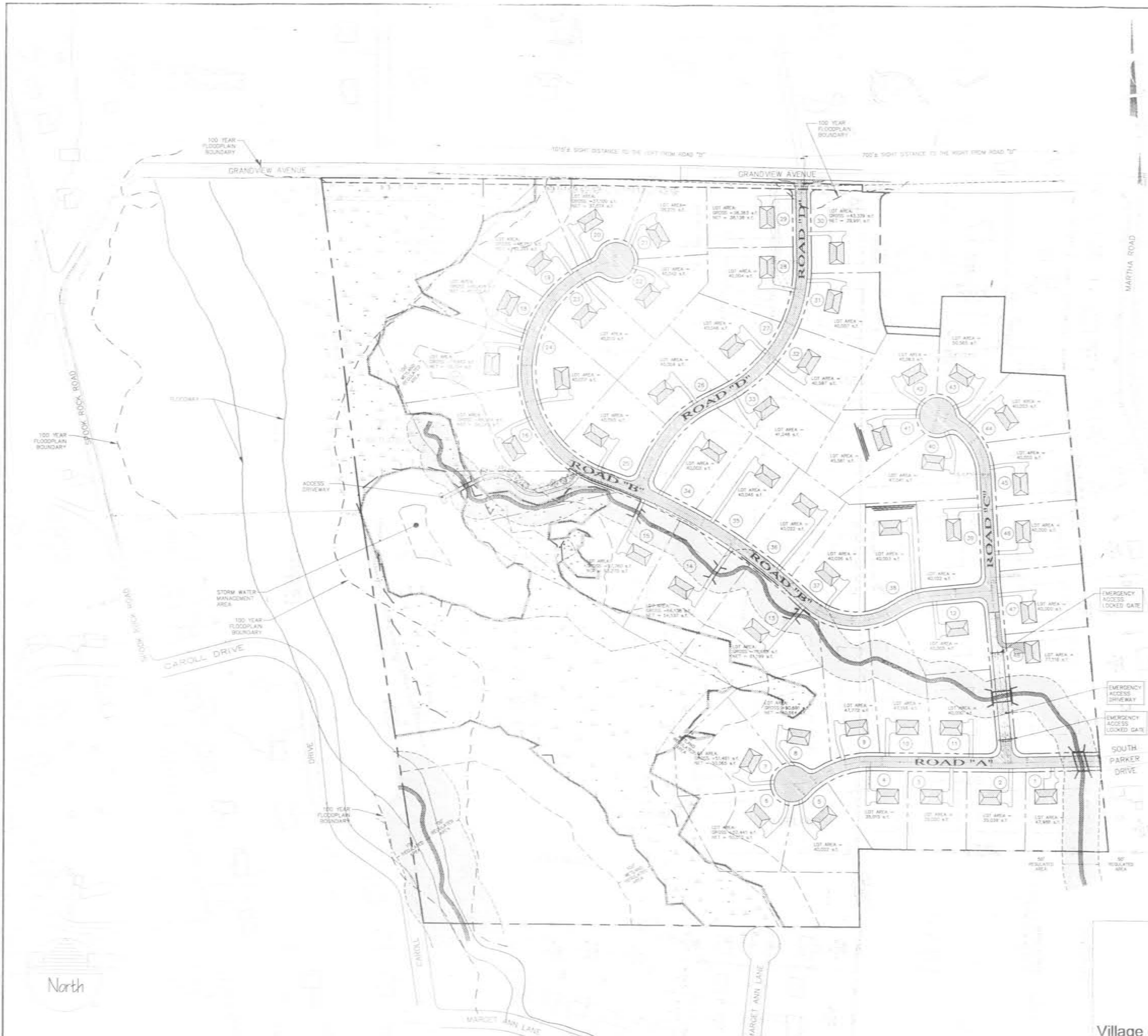


Figure 1-5: Alternative Cluster Layout Plan #1.
Weinberger Subdivision FEIS
Village of Montebello, Rockland County, New York

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LEGEND

- PROPERTY LINE
- DESIGNATED STREET LINE
- - - 100 YEAR FLOOD PLAN BOUNDARY
- FLOODWAY
- █ CHANNEL AREA OF WATERCOURSE OR DITCH
- REGULATED AREA OF WATERCOURSE OR DITCH
- N.Y.S.D.E. (& VILLAGE) WETLAND
- N.Y.S.D.E. (& VILLAGE) WETLAND REGULATED AREA
- ACCE WETLAND
- COMBINED N.Y.S.D.E. (& VILLAGE) & ACCE WETLAND

NET LOT AREA BREAKDOWN

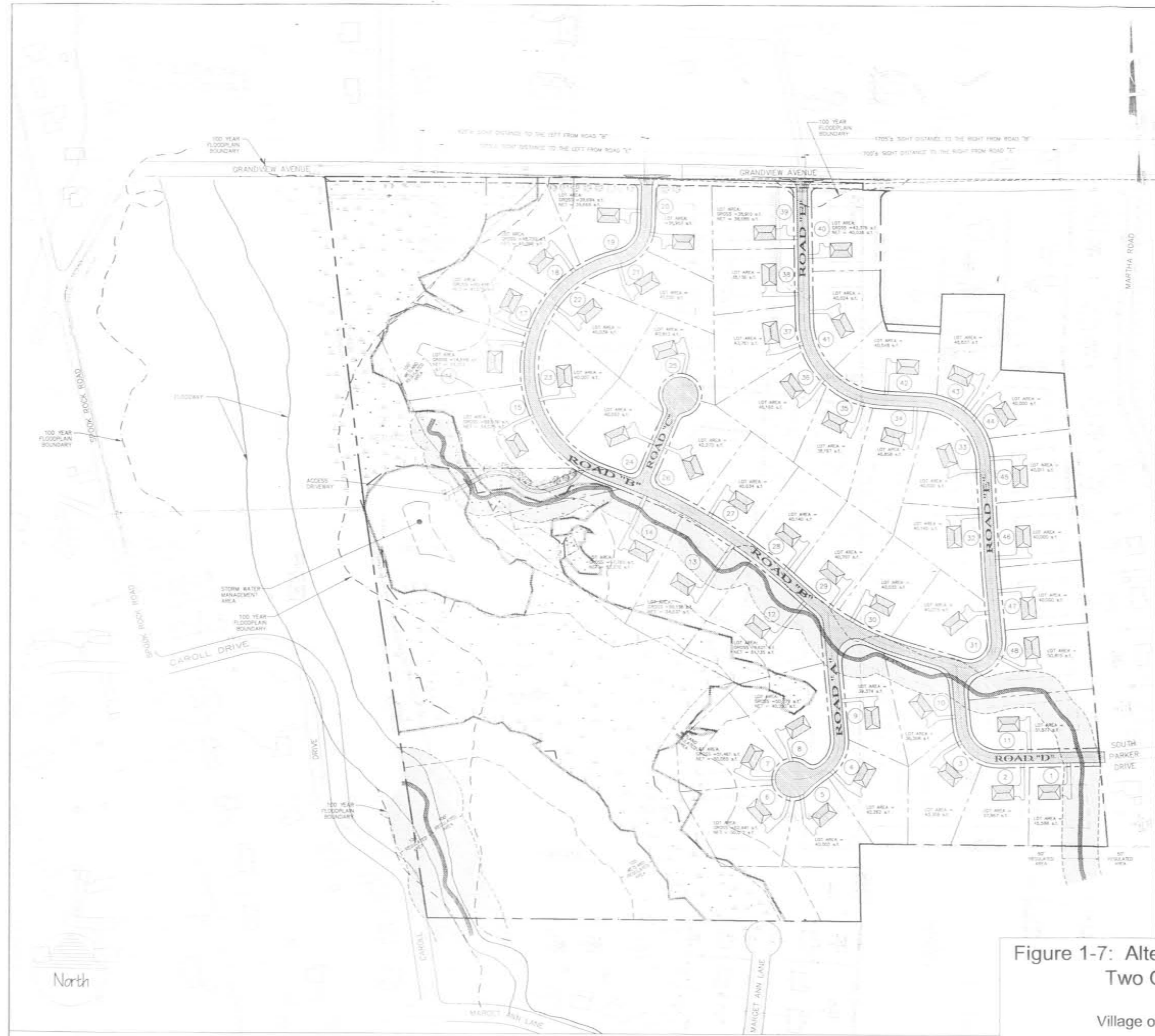
LOT NUMBER	GROSS AREA (SQ. FT.)	FLOOD PLAN AREA (SQ. FT.)	WETLAND AREA (SQ. FT.)	NET AREA (SQ. FT.)
1	47,988	-	-	47,988
2	35,038	-	-	35,038
3	35,000	-	-	35,000
4	35,015	-	-	35,015
5	40,022	-	-	40,022
6	52,441	-	2,429	50,012
7	51,461	-	1,396	50,065
8	50,691	-	10,027	40,664
9	47,772	-	-	47,772
10	47,166	-	-	47,166
11	40,000	-	-	40,000
12	40,005	-	-	40,005
13	78,880	-	17,486	61,394
14	65,138	-	11,601	53,537
15	97,760	-	34,490	63,270
16	66,554	-	12,508	54,046
17	74,660	173	763	73,724
18	45,458	140	4,213	41,105
19	44,757	8,308	-	40,599
20	37,100	26	-	37,074
21	36,275	-	-	36,275
22	40,042	-	-	40,042
23	40,015	-	-	40,015
24	40,007	-	-	40,007
25	40,060	-	-	40,060
26	40,004	-	-	40,004
27	40,048	-	-	40,048
28	40,004	-	-	40,004
29	39,363	225	-	38,138
30	43,329	3,136	-	39,991
31	40,007	-	-	40,007
32	40,597	-	-	40,597
33	41,248	-	-	41,248
34	40,002	-	-	40,002
35	40,048	-	-	40,048
36	40,022	-	-	40,022
37	40,026	-	-	40,026
38	40,003	-	-	40,003
39	40,102	-	-	40,102
40	47,041	-	-	47,041
41	45,561	-	-	45,561
42	40,063	-	-	40,063
43	50,565	-	-	50,565
44	40,023	-	-	40,023
45	40,000	-	-	40,000
46	40,000	-	-	40,000
47	40,000	-	-	40,000
48	77,118	-	-	77,118

- NOTES:**
- DEDUCTIONS REPRESENT 100% OF ENCUMBRANCE.
 - WHERE MORE THAN ONE ENCUMBRANCE OCCUPIES A CONCORDANT LOCATION, THE AREA WAS DEDUCTED ONCE.
 - WETLAND AREA REPRESENTS THE COMBINED AREA OF THE N.Y.S.D.E. (& VILLAGE) AND ACCE WETLANDS.
 - N.Y.S.D.E. FRESHWATER WETLAND BOUNDARY NOT VALIDATED BY THE N.Y.S.D.E. ON 11/03/02. VALIDATION EXPIRES IN THREE YEARS.
 - ACCE FRESHWATER WETLAND BOUNDARY WAS VALIDATED BY THE ACCE ON 9/24/02. VALIDATION EXPIRES IN FIVE YEARS.
 - NET LOT AREAS FOR LOTS 19, 20, 21, 29 AND 30 DO NOT INCLUDE 30% DEDICATION AREA.

- NOTES:**
- SITE AREA:**
 - a. TOTAL SITE AREA = 84.15 ± ACRES
 - b. AREA OF INDIVIDUAL LOTS:
 - LOT 5, IN BLOCK 2, SECTION 41.13 = 39.6 AC
 - LOT 5, IN BLOCK 1, SECTION 41.17 = 3.8 AC
 - LOT 5, IN BLOCK 1, SECTION 41.17 = 20.1 AC
 - LOT 6, IN BLOCK 1, SECTION 41.17 = 20.65 AC
 - 48 LOTS TOTAL.
 - ALL ROADS INCLUDE A 30 FT CROSS SECTION WITH BELGIAN BLOCK CURBS. REFER TO TYPICAL CROSS SECTION.

Figure 1-6: Alternative Cluster Layout Plan #2
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York

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LEGEND

- PROPERTY LINE
- - - DESIGNATED STREET LINE
- - - 100 YEAR FLOOD PLAN BOUNDARY
- - - FLOODWAY
- █ CHANNEL AREA OF WATERCOURSE OR DITCH
- - - REGULATED AREA OF WATERCOURSE OR DITCH
- - - N.Y.S.D.E.C. (R VILLAGE) WETLAND
- - - N.Y.S.D.E.C. (R VILLAGE) WETLAND REGULATED AREA
- - - ACE WETLAND
- - - COMBINED N.Y.S.D.E.C. (R VILLAGE) & ACE WETLAND

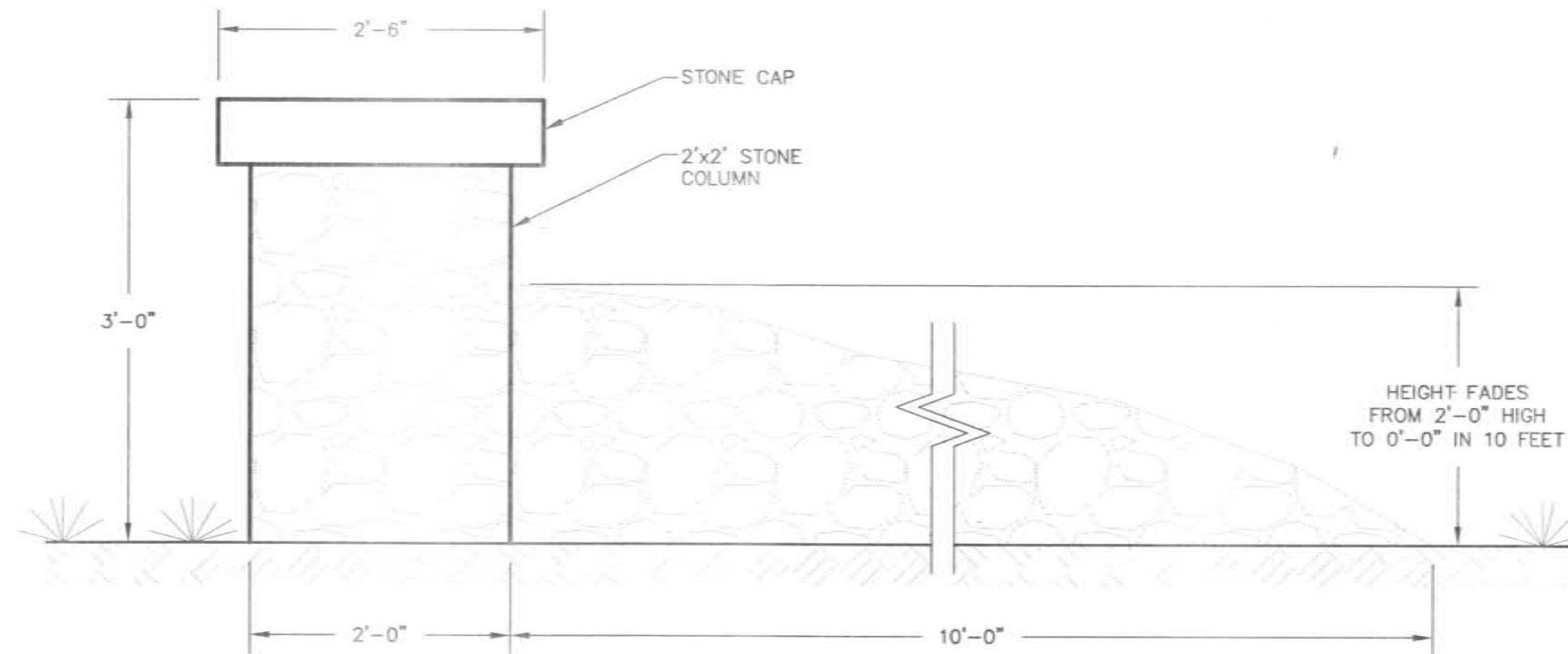
NET LOT AREA BREAKDOWN

LOT NUMBER	GROSS AREA (SQ. FT.)	FLOOD PLAIN AREA (SQ. FT.)	WETLAND AREA (SQ. FT.)	NET AREA (SQ. FT.)
1	44,577	—	—	44,577
2	37,967	—	—	37,967
3	43,509	—	—	43,509
4	42,282	—	—	42,282
5	40,000	—	—	40,000
6	52,441	—	2,479	50,012
7	51,451	—	1,396	50,055
8	50,279	—	10,027	40,252
9	39,374	—	—	39,374
10	36,398	—	—	36,398
11	50,762	—	—	50,762
12	78,821	—	17,486	61,335
13	66,126	—	11,621	54,505
14	37,760	—	34,490	3,270
15	68,536	—	12,526	56,010
16	74,648	172	173	74,303
17	45,448	157	4,212	45,079
18	48,750	8,358	—	40,392
19	39,695	—	—	39,695
20	36,561	—	—	36,561
21	41,000	—	—	41,000
22	40,039	—	—	40,039
23	40,007	—	—	40,007
24	40,052	—	—	40,052
25	40,813	—	—	40,813
26	42,270	—	—	42,270
27	40,024	—	—	40,024
28	40,140	—	—	40,140
29	40,707	—	—	40,707
30	40,032	—	—	40,032
31	40,075	—	—	40,075
32	40,145	—	—	40,145
33	40,020	—	—	40,020
34	46,858	—	—	46,858
35	38,197	—	—	38,197
36	45,103	—	—	45,103
37	43,781	—	—	43,781
38	38,136	—	—	38,136
39	38,910	225	—	38,685
40	43,378	3,338	—	40,040
41	40,024	—	—	40,024
42	40,548	—	—	40,548
43	46,837	—	—	46,837
44	40,000	—	—	40,000
45	40,011	—	—	40,011
46	40,000	—	—	40,000
47	40,000	—	—	40,000
48	50,815	—	—	50,815

- NOTES:**
1. DEDUCTIONS REPRESENT 100% OF ENCUMBRANCE.
 2. WHERE MORE THAN ONE ENCUMBRANCE OCCUPIES A CONJUNCTIONAL LOCATION, THE AREA WAS DEDUCTED ONCE.
 3. WETLAND AREA REPRESENTS THE COMBINED AREA OF THE NYSDEC (R VILLAGE) AND ACE WETLANDS.
 4. NYSDEC FRESHWATER WETLAND BOUNDARY WAS VALIDATED BY THE NYSDEC ON 11/05/03. VALIDATION EXPIRES IN THREE YEARS.
 5. ACE FRESHWATER WETLAND BOUNDARY WAS VALIDATED BY THE ACE ON 9/24/03. VALIDATION EXPIRES IN FIVE YEARS.
 6. NET LOT AREAS FOR LOTS 19, 20, 21, 29 AND 30 DO NOT INCLUDE DED. DEDICATION AREA.

- NOTES:**
1. SITE AREA:
 - a. TOTAL SITE AREA = 84.15 ± ACRES
 - b. AREA OF INDIVIDUAL LOTS:
 - LOT 5, IN BLOCK 2, SECTION 41.13 = 39.6 AC
 - LOT 5, IN BLOCK 1, SECTION 841.17 = 3.8 AC
 - LOT 5, IN BLOCK 1, SECTION 41.17 = 20.1 AC
 - LOT 6, IN BLOCK 1, SECTION 41.17 = 20.65 AC
 2. 48 LOTS TOTAL.
 3. ALL ROADS INCLUDE A 30 ft CROSS SECTION WITH BELGIAN BLOCK CURBS. REFER TO TYPICAL CROSS SECTION.

Figure 1-7: Alternative Cluster Layout Plan with Two Grandview Avenue Connections.
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 10/05/2006



DETAIL "FARM COLUMN" WITH FADING WALL

N.T.S.

NOTE: INSTALL "FARM COLUMN" AT KEY POINTS TO DEFINE CONFIGURATION OF WETLAND BOUNDARY. WALL IS NOT CONTINUOUS AND IS INTENDED TO BE INSTALLED AS SPOT LOCATIONS AS NEEDED.

Figure 1-8: "Farm Column" with Fading Wall Detail.

Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York

Source: Leonard Jackson Associates, 09/05/2006

2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES

Comment 2-1 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The “Design Standards for Wastewater Treatment Works Intermediate Sized Sewerage Facilities” states that a 3 Bedroom home uses 400 Gal/day which would be 19,200 gal/day for the water consumption on page 1-13. 4BR houses should be 450; The more conservative standard should be used.

***Response 2-1:** According to the project engineer, the design standards of Rockland County Sewer District #1 will be incorporated into the design of the project. Calculating water consumption based on the suggested rate of 450 gallons per day would result in total water demand for the project -- under either the Standard or Cluster Layout -- of 21,600 gallons per day, which can be accommodated by the existing water supply system. The project engineer has requested a “Willingness to Serve” letter from United Water of New York (UWNY), which is expected to confirm the availability of water to serve the proposed additional service area.*

Comment 2-2 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): We [Town of Ramapo] are not listed as an involved agency in 1-21. The Town processes the application for sewerage system connections.

***Response 2-2:** The Rockland County Sewer District #1 is the approving agency for sewerage system connections. The DEIS and Chapter 1.0 of this FEIS lists it as the Involved Agency for this purpose. The Town of Ramapo is listed as an Interested Agency. [An Involved agency is an agency that that will have to make a discretionary decision with respect to an action, such as funding, permitting or approving. An Interested Agency under SEQRA is an agency that lacks the jurisdiction to fund, approve or directly undertake an action but wishes to participate in the review process because of its specific expertise or concern about the proposed action.]*

The Town of Ramapo and Rockland County Sewer District #1 Design Standards, which are the same, will be incorporated into the final sewer system design.

Comment 2-3 (Fred Newmark, Public Hearing February 14, 2006): When will the public have access to responses to comments from the last public hearing? The review of all alternatives, including any newly proposed alternative, should occur contemporaneously and the results should be shared with the public prior to the last stage of the environmental review process.

***Response 2-3:** FEIS Responses were prepared by the Applicant on behalf of the Planning Board following the close of the Public Hearing on February 14, 2006. The Planning Board has reviewed and revised the responses to ensure their adequacy. This FEIS is available for public review following the determination by the Planning Board that the FEIS responses are acceptable and a Notice of Completion has been issued. To have done so prior to this determination would have been inconsistent with procedures of the State Environmental Quality Review Act as promulgated in 6 NYCRR Part 617.*

Comment 2-4 (Fred Newmark, Public Hearing February 14, 2006): Have all appropriate involved and interested agencies provided responses on the DEIS?

Response 2-4: All Involved and Interested Agencies were sent copies of the DEIS, although not all of the Agencies provided comments on the DEIS. The New York State Environmental Quality Review Act requires that the Lead Agency ensure distribution of the DEIS to involved agencies but does not require that all agencies provide responses. This FEIS responds to all substantive comments received on the DEIS.

Comment 2-5 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): Section 1.5 of the Executive Summary lists the Involved and Interested Agencies. The Rockland County Planning Board is listed under the Section 239 Referral. The Rockland County Planning Department should be listed instead as it is the correct reviewing agency. In addition, the reasons for referral should also include both a county road and a county stream as the proposed site is also within 500 feet of Grandview Avenue and within 100 feet of the 100-year floodplain of Willow Tree Brook.

Response 2-5: Comment noted.

Comment 2-6 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The documents for this review did not arrive until December 28th, despite a date on the Notice of Completion of December 13, 2005. The delay in delivery of these documents did not provide adequate time for an in-depth review. . . The date of mailing was 12/20/05; the package was received on 12/28/05; Scheduling a public hearing on Jan. 10 does not constitute 30 days as required by SEQRA.

Response 2-6: The Public Hearing on the DEIS that was begun on January 10, 2006 was held over until February 14, 2006, giving the Town of Ramapo more than 30 days for its review. No additional comments from the Town of Ramapo were received after its January 10th letter.

Comment 2-7 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The site visit to this site demonstrates the extremely sensitive nature of this property. It is agreed that the wetlands in this parcel would be best protected by a cluster subdivision. However, reducing the lot size from 50,000 square feet to 35,000 square feet does not go far enough to protect the environment, or the parklands of the Town of Ramapo which border this property. The standard layout lot count includes lots which appear not to be permitted as of right, including lots requiring access across regulated waterways, construction in wetlands and stream buffers as well as road construction in same. . . . Regardless of the determination of the number of lots, this subdivision would be better served with smaller lot sizes, smaller areas of disturbance and potential for attached housing to minimize impacts and maximize environmental benefits. Sound planning practice would seek to avoid at all costs, wetlands, streams, and buffers.

Response 2-7: Factors considered by the project engineer in the design of the proposed project include protection of the environment, protection of the character of the Village, goals of the site owner, and the zoning of the site, among others. The proposed layout avoids wetlands, watercourses and their associated regulated areas to the maximum extent practical. Mitigation measures have been proposed that address unavoidable impacts. The project

engineer has coordinated its design effort with the USACOE and NYSDEC since the project's inception, and has incorporated the results of that coordination in the design to minimize wetland impacts and to conform with the requirements of these permitting agencies. The project sponsor has indicated that smaller sized lots would not be marketable, and would also not be compatible with the existing residential densities of the surrounding neighborhoods.

The project sponsor has further indicated that townhouses are not a reasonable alternative given the objectives and capabilities of the project sponsor and would not best satisfy market demand. Townhouses are prohibited in the R-50 zoning district and development of them at this site would require a zone change and amendment to a Comprehensive Plan that was only recently adopted. Townhouses in this location would be out of character with nearby neighborhoods. Wetlands, streams and the Town Parks can be adequately protected without altering housing types or decreasing lots sizes to less than 35,000 square feet.

Regarding the proposed lot sizes in the project, in 2005, as a result of a resolution of the Village Board allowing the Village of Montebello Planning Board to allow the use of Average Density zoning (Cluster Layout) on the project site, the Village Board authorized the potential use of Average Density zoning on the project site with a minimum lot size of 35,000 square feet. The proposed lot sizes are consistent with the established pattern of residential densities in the surrounding community.

It should be noted that with the revised plans the amount of gross lot area encumbered by environmental constraints has been reduced on Lots 6, 7, 13, 14, 16, 19 & 20. Lot 16 boundaries have been adjusted as requested by the Planning Board's consultants.

Comment 2-8 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The best way to facilitate a linear park linkage between the two Town parks would be to provide the lots on a subdivision with smaller lots than proposed. Again, this input was thwarted by the SEQR scoping deficiencies.

Response 2-8: *Under the Cluster Layout, the Project Sponsor has proposed a 23.85-acre cluster open space parcel for dedication to the Village of Montebello. The following Figure 3.8-4 clarifies the location of the proposed dedicated open space, which creates an open space area between the two parks. The proposed open space, which is concentrated on the western portions of the site and runs in a southeasterly to northwesterly direction, roughly coincides with the areas of the site that are encumbered by wetlands and regulated areas surrounding the onsite wetlands, thus preserving natural wildlife habitat. A linear park linkage would require disturbance of wetlands and would be inconsistent with the Village's Conservation Overlay provisions if it were to be used for active recreation.*

As shown in FEIS Figure 3.8-4, Cluster Plan Proposed Open Space, the open space parcel directly connects Orchard Hills Park and Ward-Ling Park and maintains a continual open space for wildlife. Furthermore, under both the Standard and Cluster Layout Plans, a larger corridor for movement of wildlife

with no intervening proposed new homes would exist between Orchard Hills and the currently undeveloped Ward-Ling Park. Under the Standard Layout Plan, this corridor would range in width between approximately 130 feet and 650 feet. Under the Cluster Layout Plan, this corridor would range in width between approximately 250 feet and 1,050 feet.

According to the project sponsor, development of townhouses on the project site requiring smaller lot size would not yield a return consistent with the site's zoning. Townhouses are not an allowable use in the R-50 zone and would not be consistent with the Comprehensive Plan. Attached housing would require an amendment to the Comprehensive Plan, and a zoning amendment that the Project Sponsor believes would not be granted. While one might consider these and other alternatives in order to further reduce lot sizes, neither the Village nor the project sponsor believe that the development goals of the project sponsor, and the zoning of the site (and surrounding neighborhood) would be satisfied by alternatives that are out of character with the neighborhood and inconsistent with current market conditions. The SEQRA scope was not deficient but rather was defined to evaluate reasonable alternatives and their possible impacts.

Comment 2-9 (Michael Yaeger, Public Hearing February 14, 2006): Can a pond feature be included in the wetland areas with an aerator fountain? This would add an attractive park feature similar to what was done next to the Lime Kiln Road School on Lime Kiln Road, where a walking trail has been included around a man-made lake.

Response 2-9: There is not sufficient area on the project site outside of wetlands and regulated areas to accommodate such a feature. Grading and site disturbance within wetlands or regulated areas necessary to install a man-made pond with an associated walking trail would not likely be viewed favorably by the NYS DEC or US ACOE. In the project engineer's judgment, obtaining wetland permits from these agencies to allow such activities would not be feasible.

Comment 2-10 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): The cluster layout plan is the applicant's preferred alternative. This department also favors the cluster development plan because it results in a more flexible layout that reduces the impacts to the environmentally sensitive features on the site. The cluster plan allows for the preservation of 23.85 acres of dedicated open space encompassing most of the wetlands on the west side of the site.

Response 2-10: Comment noted. The project sponsor has provided alternative layouts, some with connections to South Parker Drive and some without.

Comment 2-11 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): The third sentence of the fourth paragraph on Page 2-1 incorrectly states that the eastern border of the site abuts the 6.4-acre Ward-Ling Park. This should be changed to the western border of the site.

Response 2-11: Comment noted.

3.1 GEOLOGY, SOILS AND TOPOGRAPHY COMMENTS AND RESPONSES

Comment 3.1-1 (Robert Geneslaw, AICP, Letter February 13, 2006; Eve Mancuso, P.E., Letter February 13, 2006): The proposed homes are sited on mounds or “perched berms”, presumably to keep basement elevations above seasonal high water. These mounds do not allow for sufficient yard area for recreation, are unsightly, and should be eliminated from the conceptual design, with a more natural at-grade design proposed, while still maintaining positive drainage away from the living spaces and basements.

***Response 3.1-1:** The Project Sponsor has revised the proposed grading plan for the proposed lots in the northeastern portion of the project site as a demonstration of revised grading that can be applied to the other proposed lots during final design (see Figure 3.1-1: Sample Lots Grading Demonstration and Sections, and Figure 3.1-2: Grading Demonstration Sections Location Map). The revised plan provides a more natural and nearly at-grade design in order to maintain positive drainage away from living spaces and basements. The scale of the drawings and their contour interval has been clarified as reflected in the revised plans that are attached to this FEIS.*

Figure 3.1-1 indicates reduced amounts of grading in comparison to the preliminary plans that were included in the DEIS for these sample lots. It also demonstrate the available yard areas and clarifies how the proposed roadway and proposed dwellings are nearly at existing grade while maintaining positive drainage away from the dwellings for both surface and subsurface (under-drain) discharges. Detailed grading plans for the remainder of the proposed lots will be provided during Final Design.

Comment 3.1-2 (Ira Emanuel, Esq., Letter February 8, 2006): The Applicant’s proposal to build some of the homes upon land that is purposely mounded is not desirable as it creates a safety issue, is unattractive and creates the need for additional fill. The EIS should discuss the elimination of the proposed mounding as a method of reducing the amount of outside fill needed for the subdivision

***Response 3.1-2:** With the assistance of project engineer, Leonard Jackson Associates, the Project Sponsor has revised his proposed grading plan for five sample lots (see response 3.1-1). The revised grading demonstration plan provides a more natural and nearly at-grade design in order to maintain positive drainage away from living spaces and basements. Figures 3.1-2 and 3.5-2 have been revised to feature a usable front-yard that is 20 feet deep and a usable rear yard that is 30 feet deep.*

Comment 3.1-3 (Robert Geneslaw, AICP, Letter February 13, 2006): The party responsible for maintenance and monitoring of the erosion control plan should be determined and indicated in the FEIS.

***Response 3.1-3:** The stormwater pollution prevention plan (SPPP) mandated by the New York State Department of Environmental Conservation (NYSDEC) will identify those parties responsible for erosion control, maintenance and monitoring of the project. As required by the NYSDEC Stormwater General Permit, the owner shall retain the services of a N.Y. State Licensed P.E. or Certified Erosion*

Control Specialist to monitor the Stormwater Pollution Prevention Plan. This individual must be hired by the owner of the property.

Comment 3.1-4 (Eve Mancuso, P.E., Letter February 13, 2006): A separate dedicated footing and underdrain system should be utilized as an alternative to mitigate seasonal perched ground water tables.

Response 3.1-4: According to the project engineer, where basements are proposed and an uncharged positive underdrain outlet is not readily available in the storm drain system, a separate underdrain outlet system or a pump system will be provided. Final subdivision plans will designate lot locations where dwellings can include basements. If a common underdrain system is necessary, it will be shown on the final subdivision plans and will be constructed as part of the public improvements. .

Comment 3.1-5 (Eve Mancuso, P.E., Letter February 13, 2006): An alternative grading plan should be provided to show less of an impact to the natural geology as well as reduce the amount of fill required. The 2,867 truckloads necessary to import soil will change the natural geology of the area in a way that will not complement the existing topography.

Response 3.1-5: According to the project engineer, the amount of imported material estimated in the DEIS for construction of the proposed house sites did not account for basement excavation and therefore conservatively estimates fill requirements for the purposes of the DEIS evaluation. The proposed grading has also been revised since the DEIS for sample lots by lowering the finished grades adjacent to the proposed homes (see Response 3.1-1). A balance of cut and fill has also been revised since the DEIS Public Hearing by lowering the finished grades adjacent to the proposed homes. A balance of cut and fill has been achieved for the Standard Plan and an Earthwork Calculation Summary is included in Appendix E. A similar balance of cut and fill would be realized for the Cluster Plan as the earthwork volumes are relatively similar for the Standard and Cluster Plans, as indicated in the DEIS. The revised grading plan will dramatically reduce the number of truck trips entering and exiting the project site compared to what was indicated in the DEIS.

Comment 3.1-6 (Eve Mancuso, P.E., Letter February 13, 2006): An original survey must be provided signed and sealed by a New York State Professional Land Surveyor. A datum reference or conversion must be provided to NGVD 29 and NAVD 88. This will assist in the reviewing agencies in identifying the published floodplain elevations (NGVD 29) in relation to the project and a reference to the current Rockland County GIS mapping (NAVD 88).

Response 3.1-6: The site survey and final subdivision plat must, by law, be certified by a New York State licensed land surveyor. Floodplain elevations and limits will be indicated on the plans at the same datum as the topography as indicated on the drawings. The published Federal Emergency Management Agency (FEMA) floodplain data adapted by the Village of Montebello was prepared by the project engineer for FEMA and is at NGVD 29 datum.

Comment 3.1-7 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): The typo in the second sentence of the fourth paragraph on page 3.1-2

should be corrected. The sentence reads, "These soils can be found on ridge tops and goot slopes."

Response 3.1-7: The type of slopes that the DEIS should have referred to in this reference is foot slopes.

Comment 3.1-8 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): Soil impacts for both the standard layout and cluster layout are discussed on pages 3.1-5 and 6. Given the amount of fill that will be have to be imported to the site under both layouts and the fact that the most likely truck route will be Spook Rock Road to Grandview Avenue, we believe that a hauling permit will be required by the Rockland County Highway Department.

Response 3.1-8: The extent of earthwork necessary for construction of the project has not yet been finalized. A complete balance of cut and fill may or may not be possible but a hauling permit will be obtained if found to be necessary. An earthwork summary calculation is provided in the Appendix.

Comment 3.1-9 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): The reference to the Town of Yorktown in the fourth paragraph on page 3.1-9 should be changed to the Village of Montebello.

Response 3.1-9: Comment noted.

33031261Presentation\Sections.dwg, Figure 3.1-1 (11x17), 11/16/2006 3:48:52 PM, HP Design\4-800 42 by HP.pc3, ANSI B - 11 x 17 in. (landscape), 1:3.62345

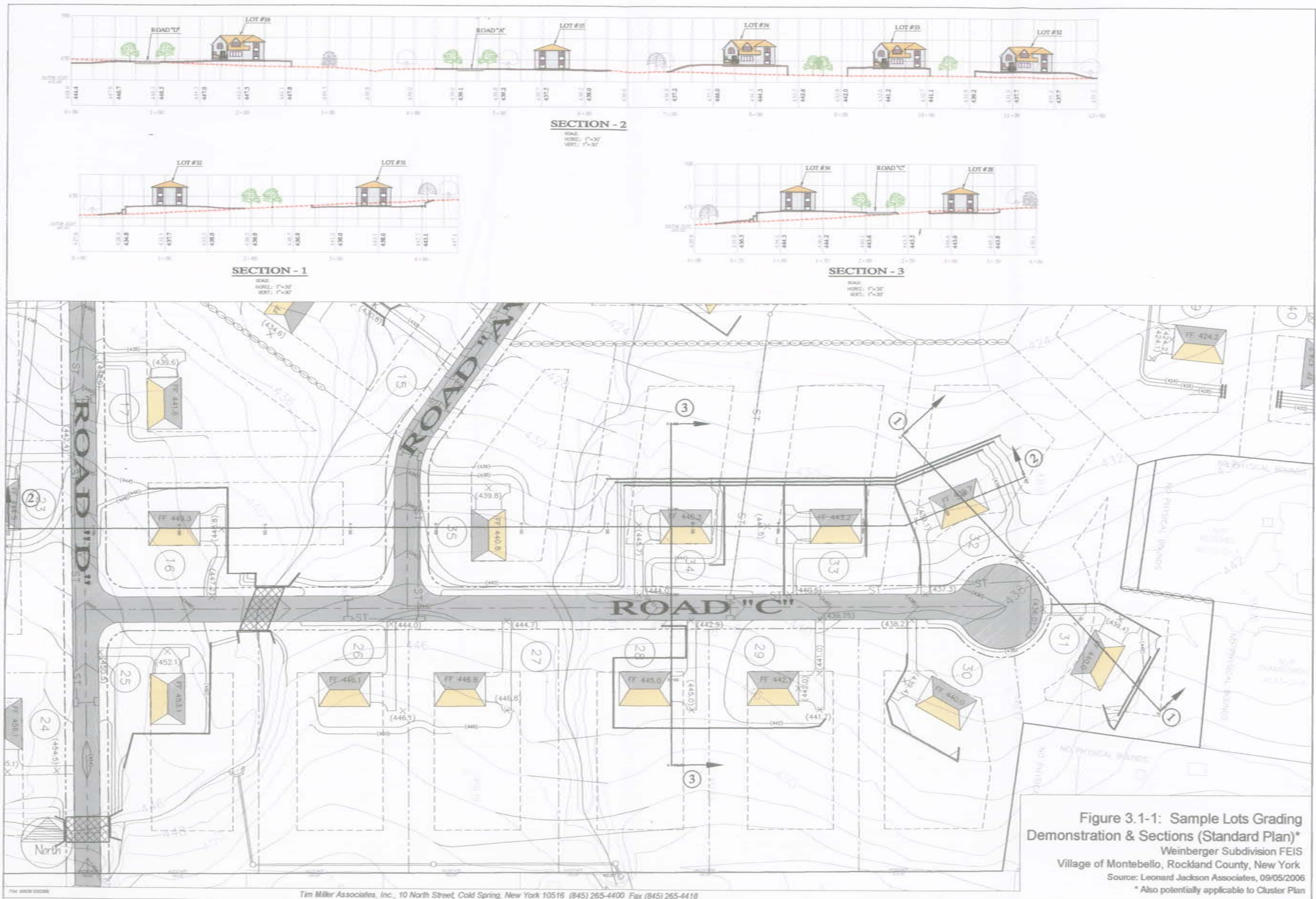
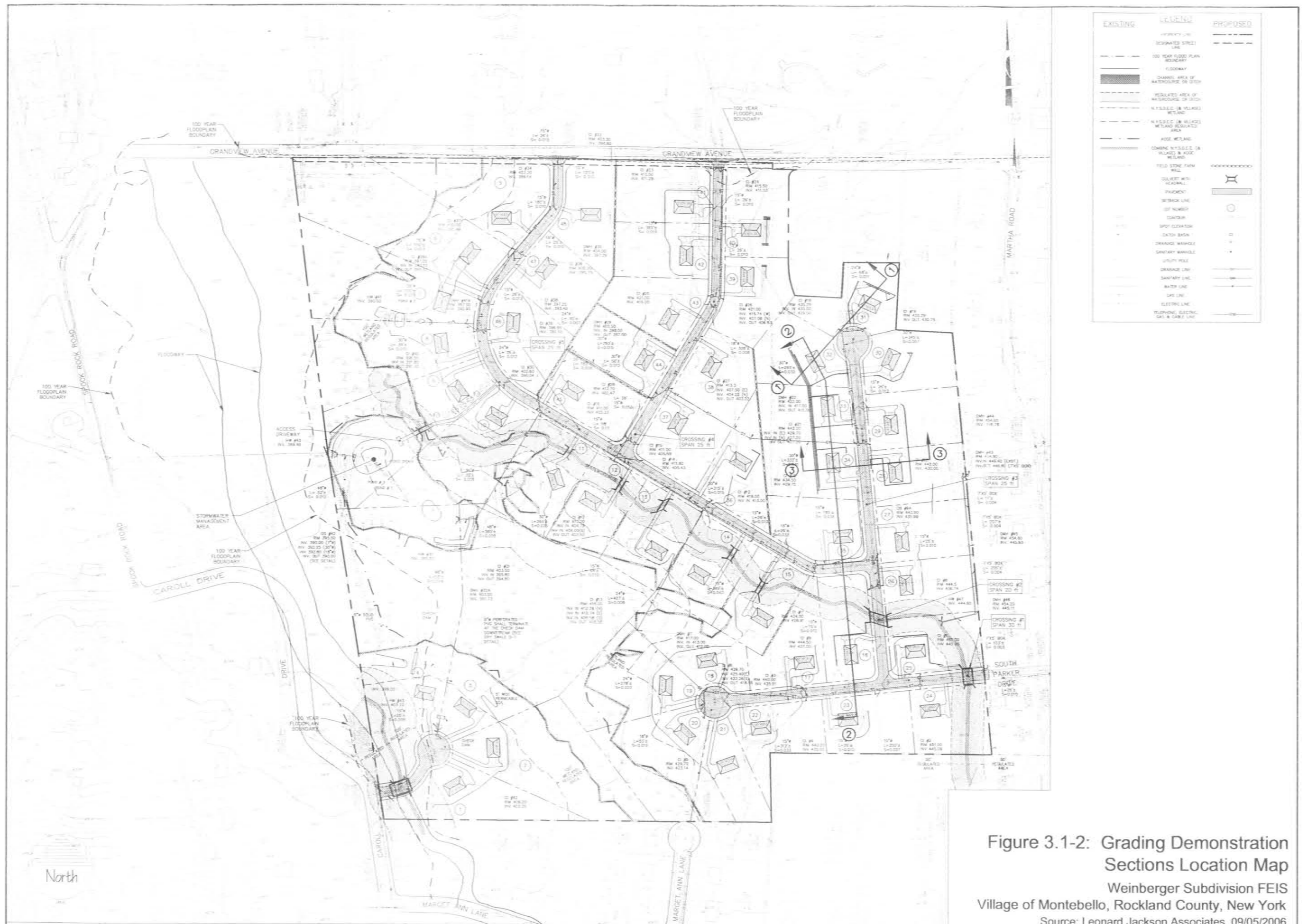


Figure 3.1-1: Sample Lots Grading Demonstration & Sections (Standard Plan)*
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 09/05/2006
 * Also potentially applicable to Cluster Plan



EXISTING	EXISTING	PROPOSED
—	PROPERTY LINE	—
—	DESIGNATED STREET LINE	—
- - -	100 YEAR FLOOD PLAN BOUNDARY	- - -
—	FLOODWAY	—
▨	CHANNEL AREA OF WATERCOURSE OR TRENCH	▨
- - -	REGULATED AREA OF WATERCOURSE OR TRENCH	- - -
- - -	N.Y.S.D.E.C. (A) VILLAGE WETLAND	- - -
- - -	N.Y.S.D.E.C. (B) VILLAGE WETLAND REGULATED AREA	- - -
- - -	ADD WETLAND	- - -
- - -	COMBINE N.Y.S.D.E.C. (A) VILLAGE & ADD WETLAND	- - -
—	FIELD STONE FARM WALL	—
—	CULVERT WITH HEADWALL	—
—	PAVEMENT	—
—	SETBACK LINE	—
—	LOT NUMBER	—
—	CENTRUM	—
—	SPOT ELEVATION	—
—	CATCH BASIN	—
—	DRAINAGE MANHOLE	—
—	SANITARY MANHOLE	—
—	UTILITY POLE	—
—	DRAINAGE LINE	—
—	SANITARY LINE	—
—	WATER LINE	—
—	GAS LINE	—
—	ELECTRIC LINE	—
—	TELEPHONE, ELECTRIC, GAS & CABLE LINE	—

Figure 3.1-2: Grading Demonstration Sections Location Map
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 09/05/2006

3.2 SURFACE WATER RESOURCES COMMENTS AND RESPONSES

Comment 3.2-1 (Alan M. Garfinkel, P.E., Letter, January 10, 2006): Emergency access to the site during periods of heavy storm activity is an issue that needs to be examined. The basis for this issue is the periodic flooding of the intersection of Grandview Avenue and Spook Rock Road. Backwatering from Willow Tree Brook has been a problem at this location in previous years and remains a problem. However, the solution to access by the emergency service vehicles is one that is considered to be unique to the Weinberger Subdivision, with one solution discussed in the past by engineers involved in the project involving raising the local roadway in this area by about ten (10) inches. Clearly, even a rise of even 10 inches would require a reconstruction of a significant length of roadway. From the standpoint of construction, the relatively small number of driveways that also access the roadway in the area of flooding make that proposal viable. Whatever solution is arrived at -- e.g., having emergency vehicles bypass the flooded area or having a different service group respond from another direction, or having emergency responders negotiate the flooded area -- must be acceptable to all of the emergency service providers.

Response 3.2-1: *According to the project engineer, the project as designed will not positively or negatively impact the flooding condition in this area. In addition, each of the alternatives considered for this development include either a through connection or an emergency access connection to South Parker Drive. This second access connection will allow emergency vehicles to enter and exit the development without having to travel through the Grandview Avenue/Spook Rock Brook Road intersection if it is flooded.*

Emergency service providers have been contacted and have indicated that a full-time access to South Parker Drive would be a necessary means of accessing the proposed subdivision. At the public hearing on the DEIS, a neighboring homeowner voiced concerns regarding the provision of access to the site from South Parker Drive and would prefer that access be derived from other streets. Yet another neighboring homeowner stated that full-time access should be provided from South Parker Drive to help distribute traffic off of Grandview Avenue.

Raising the elevation of Grandview Avenue by ten inches is not recommended by the project sponsor's Engineer as a means to alleviate flooding. Solutions to roadway flooding would likely involve larger openings below the roadway, combined with channel improvements in the vicinity. Currently, stormwater flows from significant rainfall events overtop the road and proceed down the Willow Tree Brook and Spook Rock Brook. Raising the road elevation would tend to back up the water behind the road and increase flood elevations at properties upstream of the road. This could also lead to the stream rerouting itself and discharging toward properties that have not previously been impacted. In addition, higher water surface elevations generated by the raising or damming of the road could propagate up the stream and result in higher flood elevations hundreds of feet up from the road crossing.

However, it is noted by the project sponsor's engineer that emergency service providers will be able to access the project site during peak storm events

because flooding at Grandview Avenue in the vicinity of Willow Tree Road during peak storm events is limited to shallow sheet flow across the road.

Comment 3.2-2 (Edward F. Devine, Rockland County Drainage Agency, Letters May 2, 2005, and December 29, 2005): The site is within the jurisdiction of the Rockland County Drainage Agency (RCDA) and a permit from the RCDA is required. . . Furthermore, the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the RCDA before filing.

***Response 3.2-2:** Permits will be obtained from all agencies having jurisdiction over the site including Rockland County Drainage Agency (RCDA). The RCDA is listed in the DEIS as an Involved Agency and the signature of its chairman will be required on the project final subdivision plat prior to filing.*

Comment 3.2-3 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The entrance road in the southwest corner encumbers not only the Spook Rock Brook, but the floodway as well. These should not be counted in the standard layout without verification that permits could be obtained.

***Response 3.2-3:** The subject entrance road would need no permit from the U.S. Army Corps of Engineers (ACOE) if it is designed to span the brook without touching its waters, according to discussions between the project engineer and Craig Spitz of the ACOE. Construction within FEMA floodways is administered by the Village Floodplain Administrator (FEMA has no provision for permits). While it is this Administrator's responsibility to ensure that FEMA guidelines are met and enforced, no formal application process for a permit to cross a waterway exists.*

According to the project engineer, NYSDEC permitting for a crossing would be readily obtainable if the waterway is proposed to be spanned.

Comment 3.2-4 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The zero net runoff measures do comply with existing regulations to handle runoff. However, a better solution would be to return stormwater runoff to the ground instead of using curbs and storm sewer runoff to the streams and wetlands. As a minimum, all roof leader runoff should be turned back to the ground via drywells, where possible, eliminating the potential for erosion. As the Town of Ramapo's Supplemental Environmental Impact Statement concluded, providing groundwater recharge is a central factor in assuring the adequacy of the water supply since the water supply from this area is predominantly from wells. The SEIS recommended groundwater recharge of roof leader runoff seeking Village support for this initiative by adopting a similar requirement. This will not only help prevent flooding, but can minimize erosion while recharging ground waters. Percolation tests should be performed to see how much stormwater runoff could be redirected to groundwater recharge. In addition, the use of curbs and storm sewers could be minimized by providing recharge areas and overland flows to help the recharge efforts. In this manner, the detention ponds that are shown encroaching upon the wetlands, streams and buffers could be reduced or eliminated for either option.

***Response 3.2-4:** Where practicable, groundwater recharge can be incorporated through the implementation of leaching wells in order to maintain groundwater levels and to assist in meeting NYSDEC water quality requirements and zero net peak discharge requirements, according to the project engineer. Recharge near dwellings with basements must be avoided to prevent water intrusion into the*

basements. Therefore, roof runoff recharge cannot be accommodated in the vicinity of dwellings with basements. The utilization of curbs and piped storm drainage systems is a necessity for safety, for erosion prevention, and for conveying runoff to the water quality/detention systems. The proposed detention pond is located in an upland regulated area adjacent to a wetland. It will be designed in conjunction with NYSDEC input to enhance the function of the adjacent wetland by increasing the area of surface water on the site and through the introduction of wetland vegetation proposed to be planted in this pond.

The Rockland County Soils Survey indicates that the on-site soils consist of Watchung Fine Sandy Loam, Wethersfield Gravelly Silt Loam, and Wethersfield Urban Land Complex. These soils all exhibit moderate permeability and each can support leaching well systems. The Village Engineer has indicated that on-site soil testing may be required in the future when a Final Subdivision Plan has been prepared and a specific leaching well proposal has been designed.

Comment 3.2-5 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): Page 3.2-3 talks about intermittent streams. Is there data to support this designation?

***Response 3.2-5:** The on-site ditches and watercourses are classified according to definitions provided in the Village of Montebello Wetlands and Stream Protection Law.*

Comment 3.2-6 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The drainage reports should be based on the maximum development coverage allowed by code.

***Response 3.2-6:** As required by NYSDEC regulations, drainage designs are based upon the proposed development with the implementation of conservative design criteria for that development. Utilization of the maximum development coverage of a site allowed by code is not appropriate. The NYSDEC water quality and discharge regulations require designs based upon reasonable estimates of development coverage (such as that proposed) and do not require designs anticipating maximum development coverage. In response to this comment and in order to prepare a more conservative design, final subdivision plans will feature a stormwater management system design based upon an additional 20 percent proposed development coverage of lots added to the "typical" development coverage indicated in the Standard Layout and Cluster Layout Plans.*

Comment 3.2-7 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): It appears the bottom of the detention pond is below the 100 year flood elevation. Clearly this will impact the functioning of the pond during high water times. This needs to be corrected.

***Response 3.2-7:** According to the project engineer, detention basins can function when the bottoms of those basins are below the 100-year flood elevation where so designed. The detention basin at the project site functions as a water quality basin as well. Water quality basins have a permanent ponded*

area of at least four feet in depth that play no role in hydrologic detention during storm events.

Comment 3.2-8 (Marjorie Rothenberg, Public Hearing, January 10, 2006): Which direction do the streams closest to Grandview Avenue flow in?

Response 3.2-8: *The streams closest to Grandview Avenue flow west.*

Comment 3.2-9 (Marjorie Rothenberg, Public Hearing, January 10, 2006): How will drainage from the site be controlled and will surrounding streams flood?

Response 3.2-9: *According to the project engineer, drainage from the site is controlled primarily by a detention basin designed to yield no increase in the post-development peak rate of runoff from the site. The peak flow rates on receiving streams for storms up to the 100 year frequency are therefore expected to remain unchanged by the proposed project as a result of the provision of on-site detention. Therefore, existing flooding is not expected to be exacerbated by the proposed development.*

Comment 3.2-10 (Marjorie Rothenberg, Public Hearing, January 10, 2006): How will drainage from the northerly portions of the site be conveyed to the detention basin?

Response 3.2-10: *Runoff is carried to detention basins in pipes and swales. According to the project engineer, where grades do not allow for conveyance of runoff to the detention basin, the basin has been oversized to over-detain as compensation for discharges that cannot reach the basin. Also, separate facilities including recharge and supplemental detention structures may be used, such as use of drywells on homes with driveways that cross onsite streams. These measures will be identified during final design.*

“Over-sizing” a detention pond is a common engineering practice utilized to compensate for minor drainage areas that do not contribute to a stormwater management basin. By over-detaining runoff within the basin, peak discharge rates can be reduced to levels below existing conditions. This is done so that the reduced discharge rates can be combined with discharges from areas which do not contribute to the basin and still yield an overall “zero peak rate increase.”

Comment 3.2-11 (Robert Geneslaw, AICP, Letter February 13, 2006): Verification from the Army Corps of Engineers that they do not need to be notified of work if the stream is spanned from bank to bank should be provided in the FEIS, although we are less concerned knowing that the Army Corps of Engineers received a copy of the DEIS containing the statement.

Response 3.2-11: *A memorandum from the project engineer dated April 18, 2006 and found in the Appendix of this FEIS was sent to confirm this determination of non-jurisdiction. Subsequent correspondence was provided to the ACOE by the project sponsor's engineer and on September 19, 2006 the ACOE confirmed that the work may proceed without any further ACOE involvement. Attached in the Appendix of the FEIS is a September 19, 2006 letter from the project sponsor's engineer documenting a conversation with the ACOE.*

Comment 3.2-12 (Robert Geneslaw, AICP, Letter February 13, 2006; Eve Mancuso, Brooker Engineering, P.L.L.C., Letter February 13, 2006; Ira Emanuel, Esq., Letter February 8, 2006): The chosen alternative should include the piping of the ditch and intermittent stream where it travels within a proposed front yard at pipe diameters adequate to convey storm flows. All appropriate permits will need to be sought. The EIS should discuss methods of preventing filling of open conduit by future homeowners, such as underground carriage of stormwater.

Response 3.2-12: *The elimination of water courses that fall under the jurisdiction of the US Army Corps of Engineers must be avoided to the extent practicable (ACOE requirement). According to the project engineer, it is doubtful that the ACOE would grant a permit to fill in the intermittent stream channel considered "Waters of the US".*

The project sponsor proposes to leave the tributary to the Spook Rock Brook untouched except when natural fieldstone will be utilized to repair and prevent erosion damage and also use fieldstone to alert future homeowners to the boundary of the stream corridor. The stream will be crossed, where necessary, by spanning the watercourse, thereby avoiding any ACOE permitting requirements. Bridges over public roadways shall be designed to have a natural look, incorporating stone facades. Bridges over private driveways shall be composed of materials to be specified on the final subdivision plans. Common driveway crossings may be investigated with the Planning Board as a way to minimize the number of crossings to private dwellings.

The Martha Road drainage ditch will be piped under ACOE Nationwide Permit #27, as suggested by the Village of Montebello Planning Board.

Regarding the Martha Road Ditch, according to the project engineer this ditch was created when the subdivision adjacent to the Weinberger site was constructed. The 48-inch diameter discharge pipe of this subdivision's storm drain system was directed at the Weinberger site, concentrating storm runoff from a 170-acre drainage basin at one discharge point. The high velocities of this concentrated flow eroded the land and created the ditch.

The project engineer proposes to halt this erosion by constructing a storm manhole at the terminus of the existing 48-inch pipe, then extending that pipe on the Weinberger Site to the "Unnamed" Tributary that has a stable, stone-lined bottom. In this manner, the erosion on the Weinberger Site will be halted. The Martha Road Ditch can then be eliminated by regrading, and the area can be replanted and restored. Stormwater runoff from the Martha Road Subdivision will directly join with open channel flow in the unnamed tributary to the Spook Rock Brook. Under existing conditions the stream junction exists further downstream on the Weinberger property. Final subdivision plans will include grading plans for each stream crossing. Final design data will be provided to the Village and their consultants for review to verify that the proposed roads, driveways, homes and stream crossings shown on the subdivision plans incorporate a suitable factor of safety.

The ACOE New York District has reviewed plans of the proposed work and has confirmed that the work is authorized without any further Corps involvement.

The USACOE has been requested to confirm that this is a satisfactory solution. In a telephone conversation between Mr. Craig Spitz of the New York District of the USACOE and the project engineer, Mr. Leonard Jackson, P.E., the USACOE indicated that they have received the project engineer's correspondence requesting confirmation of the proposed solution and that the proposed work is covered under USACOE Nationwide Permit #27.

Filling of the Martha Road Drainage Channel will greatly diminish the potential for filling of stream channels by future homeowners. The Spook Rock Brook tributary will remain open and sections of the channel banks located in close proximity to home sites will be lined with fieldstone embankments and small parapet walls to define the channel for future homeowners. Portions of the Spook Rock Brook located away from future home sites will remain undisturbed in their natural state.

\\s01.zb\proj\arch\alex 06-01-06\Figure 3.2-1.dwg, Figure 3.2-1 (11x17) (2), 11/16/2006 3:46:51 PM, HP DesignJet 800PS 42 by HP, pc3, ANSI B - 11 x 17 in. (landscape), 1:2.4



File: 04098 03/22/06

Figure 3.2-1: Proposed Road Stream Crossings

Weinberger Subdivision FEIS
Village of Montebello, Rockland County, New York

Source: Leonard Jackson Associates, 09/05/2006

3.3 WETLANDS COMMENTS AND RESPONSES

Comment 3.3-1 (Edward F. Devine, Rockland County Drainage Agency, Letters May 2, 2005, and December 29, 2005): The site appears to be located within mapped state and federal wetlands. The Rockland County Drainage Agency (RCDA) suggests that the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

***Response 3.3-1:** A copy of the U.S. Army Corps of Engineers jurisdictional determination is included in the DEIS in Appendix D (Wetland Data). This determination, dated September 24, 2002, affirms that the Wetland Delineation for the project site completed by Carpenter Environmental Associates, Inc., is an accurate depiction of the extent of waters of the United States on the subject property. The Wetland Delineation Map that was prepared by Carpenter Environmental Associates, Inc. and dated November 6, 2002 (see DEIS Appendix D) was confirmed by the NYS DEC, as indicated in the NYS DEC Freshwater Wetland Boundary Validation block signature, dated November 13, 2002. In addition, the Applicant has submitted an application pursuant to Village of Montebello Wetlands & Watercourse Regulations. The Planning Board will be able to act on the Application after they have selected a preferred plan.*

Comment 3.3-2 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006):The latest guidance from NYS DEC regarding wetlands and wetland buffers as well as sound environmental practice dictates that no disturbance be permitted in these sensitive areas. In circumstances where there are no other alternatives, roadways and driveways that must cross wetlands should utilize bridges instead of fill with culverts to do so. This should be taken into consideration when evaluating the number of lots under the standard layout. The standard layout provided includes at least 5 lots with driveways over regulated watercourses. There has been no determination that these lots would be approvable and they should not be counted without verification that permits can be obtained.

***Response 3.3-2:** The proposed layout avoids wetlands, watercourses and associated adjacent jurisdictional areas to the maximum extent practicable. Mitigation measures have been proposed that address unavoidable impacts. The project engineer has coordinated its design effort with the USACOE and NYSDEC since the project's inception, and has incorporated the results of that coordination in the design to minimize wetland and watercourse impacts and to assure the likelihood of obtaining permits, which the project engineer believes will be forthcoming. As stated above, the Applicant is making application pursuant to Village of Montebello Wetlands Regulations.*

Comment 3.3-3 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The cluster subdivision, although an improvement over the standard layout, still has driveways over regulated waterways, roadways across wetlands and buffers, and a drainage basin within the buffer area. Clearly the integrity of the wetlands and watercourses is significantly impacted.

***Response 3.3-3:** See Response 3.3-2 above.*

Comment 3.3-4 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): General Layout & cluster: The standard layout as shown is not approvable. The amount of crossings and development within the buffers are extreme and would be problematic at best.

Response 3.3-4: See Response 3.3-2 above.

Comment 3.3-5 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): There is no reference to a survey. The maps should be signed and sealed by a licensed surveyor to certify that the layouts and areas are correct.

Response 3.3-5: The final plat will be signed and sealed by a New York State licensed land surveyor.

Comment 3.3-6 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The development of water quality basins and detention ponds in the wetlands, wetland buffer and close proximity to these sensitive areas is an unacceptable practice. It appears that some development (the basin) is taking place on the Town's property as well.

Response 3.3-6: Development associated with the proposed project will not take place on Town property. According to the project engineer, the location of the water quality basins/detention basin has been coordinated with the NYSDEC to assist in obtaining the necessary State and Village wetland permits for placement of these stormwater management features in the regulated wetland adjacent area.

Comment 3.3-7 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): An ESA waiver request must be submitted to this office along with the correct number of plans and narratives as indicated below. The District cannot forward an ESA waiver request to the DEC until four (4) copies of the information outlined below are submitted to this office:

- i. Project Plans: Please provide a detailed site plan of the existing and proposed topography, drainage, soils, etc., and other features of the site.
- ii. ESA Boundary Delineation: Please provide a precise delineation of the ESA boundary on the same scale as the aforementioned subdivision plan. Also, provide a brief written report that delineates the boundaries of both the wetland and the 100-year flood plain boundaries.
- iii. Erosion and Sediment Control (E&SC) Plans: Please provide a complete erosion and sediment control plan for the entire site to protect the ESA wetland and floodplain both during and after construction (include standard notes and details).
- iv. ESA Characterization and Evaluation: Please describe the current wetland features of the ESA wetland areas on the site in terms of the following parameters: acreage, flora, fauna, wildlife habitat, soils, rock, flood control, and the surrounding setting. Please also evaluate the wetland values in accordance with the latest available U.S. Army Corps of Engineers Wetland Evaluation

Manual. Also, please quantify the floodplain characteristics and evaluate the effects of your project on it.

- v. Effects of Modifications: Please explain how the proposed site disturbances would affect the site features and values discussed in response to Item 4 above.
- vi. ESA Mitigation: Please provide a detailed narrative discussion of your proposed mitigation plan in order to comply with the standards for waiver approval listed below. As necessary, the plan should include the creation of new wetland acreage of, at a minimum, equal size and value to that which would be lost.
- vii. Standards for waiver approval: The standards applied by the DEC and EPA for ESA Waiver Approval are similar to the DEC standards for a Freshwater Wetland Permit. There will be a sufficient demonstration of:
 - (1) no net loss of wetland acreage or wetland values;
 - (2) no reasonable non-wetland alternate locations existing on the site for this development;
 - (3) minimization of loss of wetland and wetland values;
 - (4) mitigation of any loss of wetland acreage or wetland values;
 - (5) no appreciable increase in turbidity or sedimentation in the wetland or any watercourses above background levels; and no net increase in downstream flooding during storm events.

Response 3.3-7: *The project engineer indicates that requirements of Rockland County Sewer District #1 will be met.*

The Preliminary Plat will contain a note stating that approval of the Final Plat will be conditioned upon receipt of an ESA waiver.

Comment 3.3-8 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): The *Procedural Rules for Working on Rockland County Sewer District No. 1 Sewers* impose a fee of two hundred dollars (\$200.00) to process an application for an ESA waiver. Once the above requirements have been met, our office will forward the required information to the DEC. It should be noted that three (3) of the four (4) sets as requested above are required for DEC purposes.

Response 3.3-8: *The project engineer indicates that requirements of Rockland County Sewer District #1 will be met. The Preliminary Plat will contain a note stating that approval of the Final Plat will be conditioned upon receipt of an ESA waiver.*

Comment 3.3-9 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): As noted in its letters of May 2, 2005 and December 29, 2005, this site is within the jurisdiction of the Rockland County Drainage Agency and will require a permit pursuant to the Rockland County Stream Control Act. The May 2, 2005 letter notes that the site is within mapped state and federal wetlands and recommends that the New York State Department of Environmental Conservation (DEC) and U.S. Army Corp of Engineers be contacted to make a jurisdictional determination regarding the proposed activity. The applicant shall comply with all conditions set forth by these agencies.

November 14, 2006

Response 3.3-9: *The project engineer has coordinated its design effort with the USACOE and NYSDEC since the project's inception, and has incorporated the results of that coordination in the design to minimize wetland and watercourse impacts and to assure the likelihood of obtaining permits. Permits will need to be obtained where applicable. As stated above, the Project Sponsor is making application pursuant to Village of Montebello Wetlands Regulations.*

Jurisdictional determinations have been received by the NYSDEC and ACOE. These determinations are referenced in the DEIS.

3.4 NOISE AND AIR RESOURCES COMMENTS AND RESPONSES

Comment 3.4-1 (Robert Geneslaw, AICP, Letter February 13, 2006): The proposed hours of construction should be clarified. The Applicant has agreed to limit hours of construction to weekdays, but page 3.4-5 of the DEIS states that construction will occur Monday through Saturday.

Response 3.4-1: *The Applicant has agreed to limit hours of construction to weekdays only, as stated on page 2-9 of the DEIS.*

3.5 TERRESTRIAL AND AQUATIC RESOURCES COMMENTS AND RESPONSES

Comment 3.5-1 (Michael Yaeger, Public Hearing February 14, 2006): During the construction period, will stockpiles of fill be placed so as to avoid damaging trees that are to remain? How detailed will the plans be in terms of tree preservation during the construction period?

Response 3.5-1: When the layout and design of the project is finalized, a Storm-water Pollution Prevention Plan (SWPPP) will be prepared for implementation during construction that will set forth the manner of placement of fill that is to be utilized during each phase of construction. The stockpiling of materials will be considered for each phase so as to avoid disturbance of areas and trees that fall outside the approved limit of disturbance line. Erosion from stockpiled soils will be managed according to the approved SWPPP. Based on the plans, snow fencing will be installed throughout the site at the limit of clearing line to clearly mark the point up to which disturbance is permitted. Should specific trees be identified for preservation within the limit of clearing line, they will be marked in the field and protected by the installation of snow fencing at the tree drip line.

Comment 3.5-2 (Robert Geneslaw, AICP, Letter February 13, 2006): Tree preservation and the preservation of the Village' woodland character is identified as the first goal of the Village' Comprehensive Plan. Overall, the discussion and treatment of tree preservation in the DEIS for the Weinberger Subdivision has been cursory. Rather than attempt to identify, preserve and protect significant specimens and stands of trees, the DEIS discounts the quality of trees on-site. For example the DEIS points out that 50% of trees over 8" DBH are young trees of less than 12 inches rather than the more useful conclusion that 50% of the trees over 8" are mature trees of greater than 12" The DEIS discounts the trees' value as "" and states that the forest is neither "" nor "" The woodland character of the site is similar to many other parts of the Village.

The applicant requests on page 3.5-1 that the Village approve tree clearing of any tree not outside the limits of clearing. However, the limits of clearing are not realistic. Hardly any usable yard area has been provided for the new residences. Access to some lots are shown on the maps as being no wider than ten feet, a dubious width to provide access to bulldozers, dump trucks, backhoes, etc. Further, the clearing limits shown in the DEIS at figures 3.5-2 and 3.5-3 are not consistent with those shown in the full-sized plan set at 4A and 4B. The tree map provided is not adequate in that it does not provide a reference of where trees are located in relation to limits of clearing or other subdivision plan features. Approval of a tree clearing plan based on currently submitted materials would not be protective of the environment, and would likely require the project sponsor to make supplemental applications in the future once a more realistic grading plan that provides yards for residents is developed.

It would be far more useful to provide a reasonable and realistic clearing limit plan, at this appropriate time, which shows a more realistic amount of site clearing for grading, lot access and construction of infrastructure and building pads. The plan for tree preservation should be based on a map that shows trees overlain on the site plan, with each tree identified to remain or to be removed and specimens identified. It would then be more beneficial to provide for stands of healthy, desirable and attractive trees to be preserved within the limits of clearing. Thought should be given to preservation of excellent specimens as well as desirable species. Where mature trees are present near the proposed roads, they should be incorporated into the street tree plan. We will provide such a plan to our associate landscape architect for review and

suggestions upon receipt. The currently submitted materials are not adequate for landscape architect review.

Response 3.5-2: *A tree survey was prepared to assist in the development of preliminary designs for the project site. Trees numbering in the thousands exist on the site. When the final design is selected, mature trees near the roadways or dwellings may be retained with adjustments to the location of proposed development and/or associated grade. It is in the interest of the owner and the Village to retain trees to the maximum extent practicable for environmental and aesthetic reasons.*

Plans submitted with the DEIS include the proposed plans with an overlay of the tree survey. The following Figure 3.5-1 shows typical lots with refined limits of disturbance and indication of trees proposed for removal. The limits of disturbance, as indicated for these typical lots, are considered to be reasonable and appropriate and allow for sufficient yard area and preservation, where feasible, of trees near the road. The detailed extent of clearing for the entire project will be determined during final site plan review. Figure 3.5-2 shows a single typical lot and dimensions the typical clearing limit line.

Appendix F references the tree numbers, the tree caliper and species. All species mapped are considered to be in fair condition or better. In consultation with the Planning Board, the project sponsor will, where feasible, modify the proposed lot layout within the existing boundaries of the rights-of-way to save particularly important stands of trees as a condition of Preliminary Subdivision Approval once the Planning Board has selected a preferred alternative.

See Appendix F for a listing of trees to be preserved and trees to be removed.

Comment 3.5-3 (Ira Emanuel, Esq., Letter February 8, 2006): Because of the widespread network of wetlands and waterways on the site, we are concerned that stagnant water will be available as a breeding ground for mosquitos which could carry West Nile virus and other diseases. The EIS should discuss appropriate mitigation methods.

Response 3.5-3: *The network of wetlands and waterways on the site falls under the jurisdiction of the ACOE, NYSDEC and Village of Montebello whose goal is to preserve these regulated resources. Minimal work is proposed in jurisdictional wetland areas as this would contradict the preservation goals of the Village, project sponsor, NYSDEC and ACOE. The proposed project will create an additional wetland in the area of a current upland by creating a water quality/detention basin that includes a permanent pond. The pond will be stocked with minnows as recommended by the NYSDEC. According to the project engineer, this measure is intended to mitigate against the creation of mosquito habitat (standing, stagnant water) in an area where wetlands have not previously existed. The proposed design of the project under both the Standard Layout Plan and the Cluster Layout Plan has been prepared to maintain stream and wetland functions, including those related to wildlife habitat. As such, no significant changes related to mosquito breeding and surface waters are anticipated.*

Comment 3.5-4 (Robert Geneslaw, AICP, Letter February 13, 2006): The DEIS clearly identifies the value of stonewalls as habitat for small wildlife. Additionally they are attractive and

highly valued by the community as described in the Comprehensive Plan. As a mitigation to both wildlife and to aesthetic resources, the existing on-site rock walls as well as any on-site rocks unnecessary for fill should be relocated to key locations, such as along Grandview Avenue, proposed site roads and/or between lots.

***Response 3.5-4:** The habitat and aesthetic benefits of the rock walls on the site are recognized by the developer. Stone walls that are shown on the plans from the DEIS are those associated with the existing home on the project site facing Grandview Avenue. Additional walls have been identified and added to the plans.*

Rock walls will be incorporated into the project's final design. Existing stone walls will be preserved where feasible, or relocated to property lines where necessary and appropriate.

The project sponsor has proposed Farm Columns with Fading Stone Walls to delineate key points to define the wetlands. The following figure depicts the proposed Farm Columns and Fading Stone Walls.

Comment 3.5-5 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): On Page 3.5-1, under Existing Conditions, it states, "... it is likely that much of the area was used as pasture or for agricultural purposes in the past with the exception of the wetland areas in the northwest corner of the site, which was probably left undisturbed." A review shall be completed by the Rockland County Health Department to determine if there are any residual pesticides on the site.

***Response 3.5-5:** As stated in the Draft Environmental Impact Statement, the Rockland County Health Department will review the project related to Water and Sewer Design, Extension and Connection, and Subdivision Approval. As part of that review, the Rockland County Health Department can perform assessments related to the presence of residual pesticides, as requested by the Rockland County Department of Planning.*

However, past site use involved agriculture not associated with significant applications of pesticides that typically remain in the soil (such as is experienced in orchards or grape culture, for example). The proposed project will disturb and mix the soils in the areas proposed for new home sites and some areas will be covered by impervious surfaces. Therefore, soil testing is not warranted.

Comment 3.5-6 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): On Page 3.5-18, in the section entitled "Potential Wildlife Habitat Impacts – Cluster Plan," the references to "standard residential subdivision plan" in the first paragraph and "standard plan" in the second paragraph, should be changed to "cluster layout plan".

***Response 3.5-6:** As noted in this comment, the Cluster Layout Plan was incorrectly referenced as the Standard Plan on page 3.5-18. This error does not affect the conclusions of this section of the DEIS.*

LEGEND

CLEARING LIMIT LINE	CLL
EXISTING TREE TO REMAIN	⊙
PROPOSED SHADE TREE	⊙

SAMPLE LOTS:

EXISTING TREES:	1,606
TREES TO REMAIN:	951
TOTAL TREES REMOVED:	655

NOTE: TREE PRESERVATION ANALYSIS FOR "SAMPLE LOTS" WAS PERFORMED FOR THE ENTIRE AREA SHOWN BELOW.

THIS EXHIBIT IS INTENDED TO ILLUSTRATE THE TYPICAL TREE PRESERVATION/REMOVAL ASSOCIATED WITH A TYPICAL PROPOSED HOME. RESTORATION OF MARTHA ROAD DITCH IS NOT ASSOCIATED WITH HOME CONSTRUCTION TREE CLEARING.

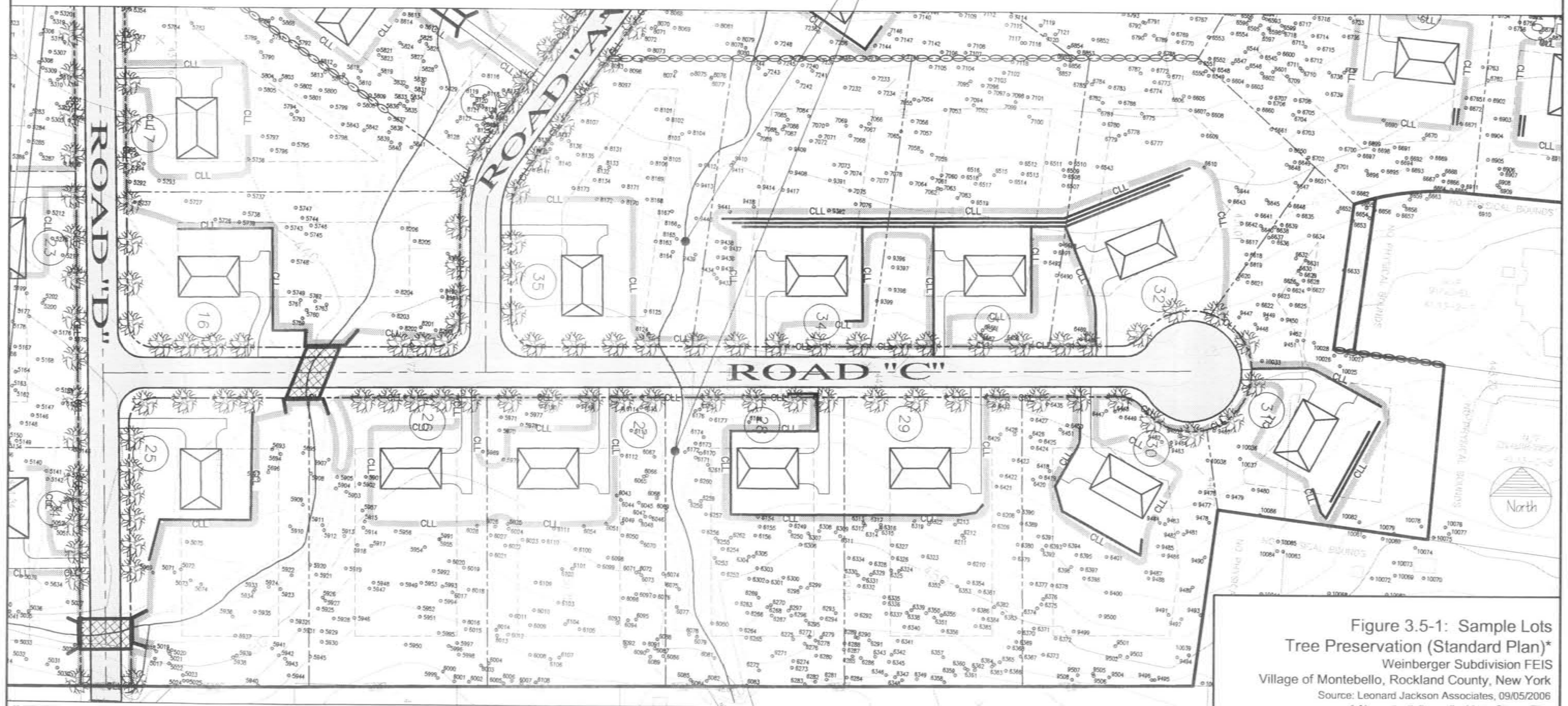


Figure 3.5-1: Sample Lots Tree Preservation (Standard Plan)*
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 09/05/2006
 * Also potentially applicable to Cluster Plan

LEGEND

CLEARING LIMIT LINE	CLL
EXISTING TREE TO REMAIN	○ 9340
PROPOSED SHADE TREE	

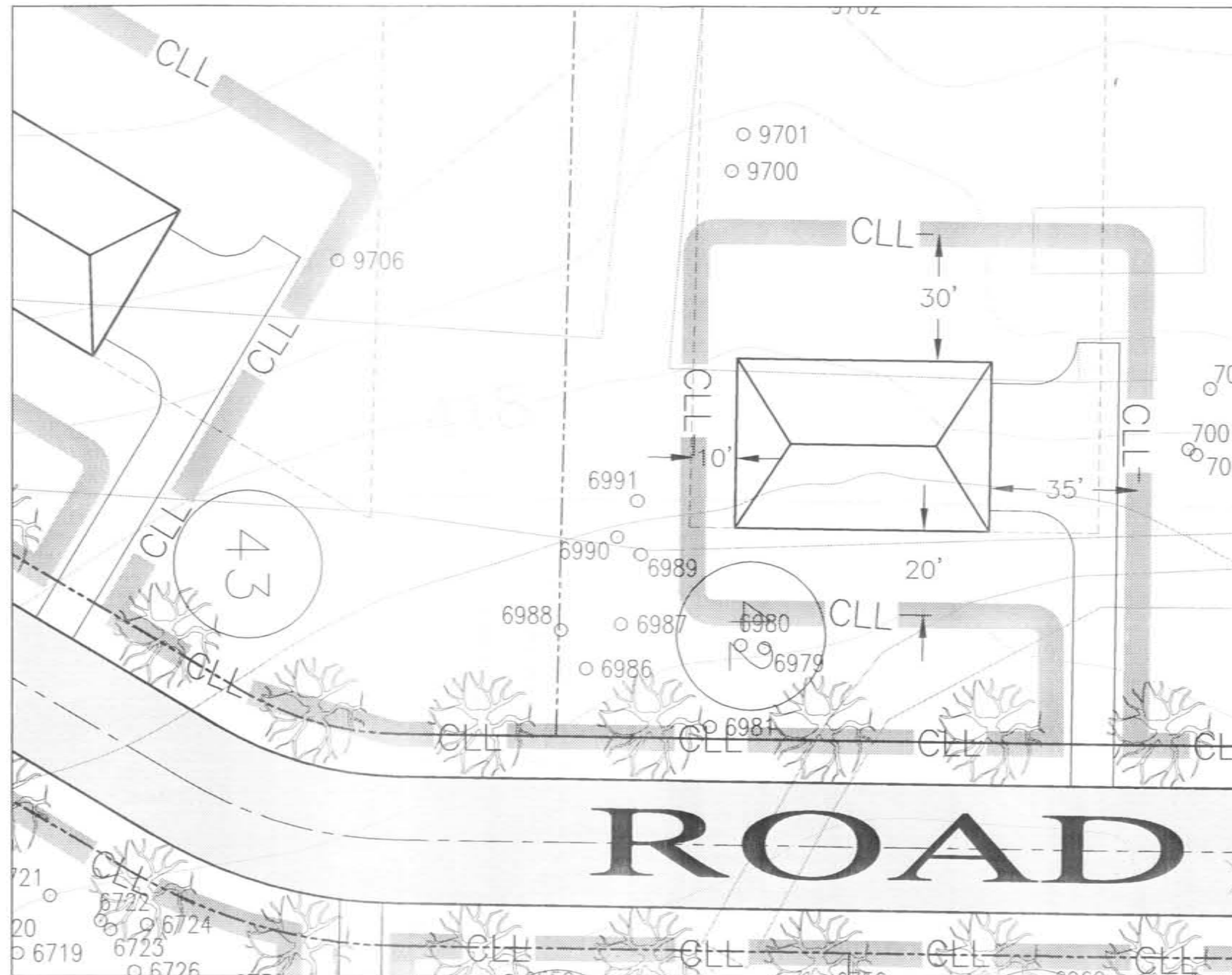


Figure 3.5-2: Typical Dwelling Clearing Limit Line (Standard Plan)*

Weinberger Subdivision FEIS
Village of Montebello, Rockland County, New York

Source: Leonard Jackson Associates, 10/05/2006

* Also potentially applicable to Cluster Plan

3.6 TRANSPORTATION COMMENTS AND RESPONSES

Comment 3.6-1 (Fred and Sheree Newmark, Letter and Signed Petition, December 20, 2006): Rather than use South Parker Drive as a through street from Martha Road to the Weinberger Subdivision, a more sensible alternative would be to include two new roads connecting the subdivision with Grandview Avenue (County Route 80), while keeping South Parker Drive closed in its present configuration. This would allow the Applicant to incorporate cul de sacs and through streets totally within the confines of his property. Also, South Parker Drive, Martha Road and the surrounding community would not be burdened by increased noise and private and commercial traffic, preserving the quiet, bucolic nature of the area. A redesign of the project is needed to incorporate this change, with consideration of environmental impacts of prospective design changes.

***Response 3.6-1:** The Planning Board must take into account the Fire Department's concern that any option under consideration must include full, unimpeded access. The Project Sponsor prefers that there be no access to South Parker Drive and believes that this is in conformance with all applicable regulations. Such an alternative would not increase environmental effects of the project, although it may affect community services and would not comply with adopted local land use regulations (Subdivisions of Land Chapter). However, the Project Sponsor will comply with the final decision of the Planning Board regarding the location(s) of site access.*

Comment 3.6-2 (Fred and Sheree Newmark, Letter and Signed Petition, December 20, 2006): The option of placing locked barricades across South Parker Drive or a through street to the rest of the development, which would be opened in the event of an emergency, is unworkable in theory and in practice. Which agencies will have keys to the locks? Who will be responsible for both unlocking and re-locking the barricades? Roadway maintenance and security, as well as access by emergency traffic, school vehicles and trash haulers are other potential problems associated with such emergency gates that would be obviated by the utilization of only two new roads connecting to Grandview Avenue.

***Response 3.6-2:** Emergency access gates are a common solution to providing access for police, fire and emergency medical service vehicles while preventing through traffic including service vehicles such as school buses and trash haulers. Local emergency service providers would have the key to the emergency access gate. Additional arrangements with the Town of Ramapo Department of Public Works would be possible should maintenance activities, such as snow removal, require that the gate be temporarily opened. Access through an emergency gate for garbage pick-up or school buses would not be permitted.*

Regarding the re-locking of the emergency access gate, the responding emergency service providers would be expected to close and lock the gates.

The Project Sponsor has stated a preference that there be no access from South Parker Drive and believes that such an arrangement would not result in environmental impacts. Emergency service providers have stated that access is necessary and the fire department has stated that unimpeded access (full-time connection without emergency gate) is required. Further, a cul-de-sac with or

without an emergency access gate would not comply with the Village of Montebello's adopted Subdivision Regulations that require a cul-de-sac serve no more than 14 families.

Comment 3.6-3 (Fred Newmark, Public Hearing, January 10, 2006): The trip generation rates used in the traffic analysis are incorrect. There would be more than 43 AM trips and 56 PM trips. Actual traffic from the project will probably be double what was projected in the traffic study.

Response 3.6-3: *Trip rates are based upon traffic studies that utilize field data of actual trips generated for a specific land use type. These studies are compiled by the Institute of Transportation Engineers and published in Trip Generation, most recently the 7th Edition, 2003. Trip generation is expressed as peak hour trips. For the purpose of this study, the land use category for Single-Family House was used (Code 210). Trip generation data for the a.m. peak hour of the network was based upon 274 field studies. Data for the p.m. peak hour of the network was based upon 302 field studies. These trip rates are widely used and are the accepted industry standard for trip generation. The New York State Department of Transportation requires the use of Trip Generation to project trips along New York State roadways. In general, Trip Generation provides conservatively high values, as the greater New York area has longer peak commuter times in comparison to other areas of the country. These longer peak times spread out the traffic, reducing the traffic during the peak hour.*

Although the year 2000 Census data for the Village of Montebello does indicate a vehicle ownership ratio of approximately two vehicles per dwelling unit, it also indicates that during the peak hour only 36 percent of workers typically leave for work (U.S. Census Bureau, "Census 2000 Summary Tables," American Fact Finder <<http://factfinder.census.gov>>). This is typical of counties within the New York metropolitan area. It should also be noted that on any given day there are some workers that are sick, on vacation, walking, or using mass transit, which is factored into the vehicle trip generation numbers. Thus, the Census data for the local area supports the data provided in Trip Generation.

Comment 3.6-4 (Robert Geneslaw, AICP, Letter February 13, 2006): On Page 3.6-21 the DEIS states that sidewalks are inconsistent with the Village's rural character. It is agreed that generally sidewalks are not consistent with the Village's character, however the recent Comprehensive Plan provides insight into the types of pedestrian facilities that should be provided for residential streets. Specifically, the Comprehensive Plan recommends that Montebello Pines, Fields and West all provide separated shoulders for bicycle and pedestrian use. In addition to providing a safer environment for pedestrians and cyclists, a separated shoulder (see Comprehensive Plan for details) narrows the roadway travel lane and helps to calm traffic on the residential streets. The DEIS describes similarities between this and the aforementioned subdivisions and separated shoulders would be appropriate for this subdivision as well.

Response 3.6-4: *The Project Sponsor has indicated that he believes that for safety purposes there should be sidewalks on at least one side of the interior*

streets in the subdivision, and preferably on both sides of the interior streets in the subdivision.

The project sponsor's engineer has reviewed the non-traditional pedestrian & cycle facilities presented in the Circulation Section of the Village Master Plan. Many alternative configurations are presented and the Planning Board will indicate their preference after they have reviewed the alternatives. The proposed 50-foot right-of-way provides the Planning Board with the flexibility to designate their preference at any point in the approval process since the 50-foot right-of-way can accommodate any of the non-traditional pedestrian & cycle-friendly cross sections. As a condition of Preliminary Subdivision Approval, the chosen strategy for these improvements will be incorporated, if required, prior to Final Subdivision Approval.

As requested, the project sponsor's engineer reviewed the potential for the extension of pedestrian & cycle lanes out to neighboring parks and determined the following:

The project sponsor has indicated that walking/biking connections to the neighboring parks would be expensive to construct and may require extensive permitting by regulatory authorities. While such connections to the parks would be beneficial, the benefit must be considered against the cost and impact on wetlands and stream corridors. Further, the project sponsor has verified verbally that it will be providing the Village with money in lieu of land consistent with Village and New York State policies and regulations. The need for these park trail connections is reduced in light of the money in lieu of land mitigation of recreational resources. Therefore, the Planning Board will review the costs and impacts of such park connections prior to final subdivision approval and if significant, such paths will not be required.

Comment 3.6-5: (Robert Geneslaw, AICP, Letter February 13, 2006): The traffic study does not provide a clear statement of whether connection of the proposed roadways to South Parker Drive will negatively impact the safety and operational characteristics of the roadway. As interconnectivity is often a preference when planning road systems, any potential negative impacts should be discussed so that the Board can make an informed decision.

Response 3.6-5: *The comparison of Level of Service Summaries shown in DEIS Tables 3.6-4, 3.6-6, and 3.6-10 for Existing, No-Build, and Build conditions, respectively, indicate that there is no change to the operating level of service characteristics of South Parker Drive as a result of the proposed project. Therefore, there will be no change in delays for vehicles on South Parker Drive entering the Martha Road or Forshay Road intersections. South Parker Drive is expected to be able to handle the increase in traffic that is expected, based on the traffic analysis conducted in the DEIS. The approximate 30-foot street width and relatively flat and straight alignment of South Parker Drive are such that the increase in traffic is not expected to create any safety issues. The availability of alternative routes allow drivers a choice of routes. Such route selection is often based on such factors as safety, and travel time.*

The connection will increase traffic on South Parker Drive east of Martha Road from 39 trips to 52 trips (net increase of 13 trips) in the a.m. peak hour for the Standard or Cluster Plan with access to South Parker Drive. In the p.m. peak hour, the 45 trips are expected to increase to 61 trips (net increase of 16 trips) for the Standard layout, and are expected to increase to 62 trips (net increase of 17 trips) for the Cluster layout.

Comment 3.6-6: (Robert Geneslaw, AICP, Letter February 13, 2006): It would be helpful to the Planning Board if the FEIS provides a suggestion on appropriate traffic calming measures as identified in the Comprehensive Plan.

***Response 3.6-6:** The Village of Montebello Comprehensive Plan recommends traffic calming measures for streets and roads that are experiencing much higher speeds than posted area speeds, such as Grandview Avenue and Spook Rock Road, in order to address concerns over safety and noise. The Project Sponsor notes that the curvilinear configuration of the proposed roadways, and the fact that traffic utilizing on-site roads would typically be traveling to and from destinations in the subdivision, are expected to limit the degree to which speeding would be a problem. The Village of Montebello Comprehensive Plan Appendix notes that the issue of traffic calming was not highly received by participants in a survey conducted for the Comprehensive Plan. Measures that residents did not generally favor were those that affected the rural character of the community. Speed humps and raised intersection tables were examples of measures affecting the physical driving surfaces that were seen by survey participants as being intrusive and inappropriate. In the event that problems with speeding are experienced, the comprehensive plan lists traffic calming measures that could potentially be applied. These include narrowing lanes, reducing posted speeds, changes in roadway surface, and the introduction of crosswalks, bike trails and sidewalks.*

The Project Sponsor does not anticipate problems with speeding that would warrant the implementation of traffic calming measures for the onsite roadways.

Comment 3.6-7: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): The Rockland County Highway Department is in favor of the cluster layout design plan, which limits the number of curb cuts required along the county highway.

***Response 3.6-7.** Comment noted.*

Comment 3.6-8: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): In the Traffic and Transportation Section 3.6.10 entitled Sight Distance, paragraph 4 refers to sight distance table 3.6-12. This should be corrected to reference Table 3.6-13 AASHTO Sight Distances. The study claims that there is adequate sight distance for speeds up to 45 miles per hour. The Sight Distance requirements should be based upon the 85 percentile existing speed conditions. The study did not include data pertaining to prevailing vehicle speeds along this section of Grandview Avenue.

***Response 3.6-8.** Speed data was collected by Tim Miller Associates, Inc., on Tuesday, March 28, 2006 from 2:00 p.m. to 4:00 p.m., under dry pavement conditions. Volumes during this period were typical of free flowing daylight traffic*

conditions. A radar gun was utilized at an angle of incidence of approximately five degrees for minimal angular error. A survey size of 75 vehicles per direction was used to provide a 95 percent confidence level, with an estimated error of no more than ± 2 miles per hour. Based on the data collected, the 85 percentile speed was 42 mph for both eastbound and westbound traffic. A speed graph is illustrated in the following Figure 3.6-1. A field survey of available Sight Distance conducted by Tim Miller Associates, Inc., on September 25, 2006 indicates the following:

Standard Subdivision: Easterly Grandview Entrance has +/- 700 feet Sight Distance to the east and +/- 705 feet Sight Distance to the west.

Cluster Subdivision: the additional westerly Grandview Entrance has +/- 1,015 feet Sight Distance to the east and +/- 625 feet Sight Distance to the west.

To the east, these sight lines will be possible after clearing vegetation to a point 10 feet back from the existing edge of the pavement. In order to maintain this open area, trees or landscaping would need to be planted at a distance of 15 feet from the curb. These sight distances have been noted on the plans. The American Association of State Highway and Transportation Officials (AASHTO) recommended intersection sight distance for up to 45 miles per hour (A Policy on Geometric Design of Highways and Streets, AASHTO, Washington, D.C., 2004), is 500 feet. A Rockland County permit for trimming on County property will be obtained by the project sponsor if necessary.

The proposed access point(s) to Grandview Avenue under either the Standard or the Cluster Alternative meets the (AASHTO) recommended intersection sight distance for up to 45 miles per hour, thus, adequate intersection sight distance is provided.

Comment 3.6-9: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): The traffic study states that “vegetation along Grandview Avenue be trimmed to ensure sight distance is maintained. Trimming should be done in such a manner so as to retain the rural scenic nature of this roadway.” The applicant will be responsible to perform any trimming and clearing of vegetation required to achieve the required sight distance for the construction of the new access on Grandview Avenue.

***Response 3.6-9.** . The available sight distances listed in response 3.6-8 are available without clearing any private property other than on the project site. The project sponsor will assume responsibility for clearing the necessary sight line on the project site and the adjacent Rockland County right of way.*

Comment 3.6-10: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): Sight Distance calculations noted in the DEIS should appear on all future site plans.

***Response 3.6-10:** Sight distances noted in the DEIS have been added to the plans as requested.*

Comment 3.6-11: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): We request that the drainage system be extended to include catch basins on the new curb returns along Grandview Avenue. Drainage structures installed along or within the county right of way should utilize Campbell pattern 2617 bicycle type curb inlet grates. The applicant shall include a standard detail in the site plan.

Response 3.6-11: Standard details will be added to the final subdivision plans.

Comment 3.6-12: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): The site plan should clearly identify the existing right-of-way line and dedicated street line along Grandview Avenue. The applicant should consider an offer of gratuitous dedication be made to the County of Rockland for the area that exists between the right-of-way and dedicated street line.

Response 3.6-12. The subdivision plans currently depict the existing right-of-way as well as the gratuitous dedication of the area that exists between the right-of-way and dedicated street line.

Comment 3.6-13: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): The site plan should demonstrate the turning radii for the new road where it connects to the Grandview Avenue in compliance with New York State D.O.T. and AASHTO standards.

Response 3.6-13. The Project Sponsor's engineer has coordinated with the Rockland County Highway Department and confirmed that a 25-foot radius is appropriate and has added this dimension to the Grandview Avenue Intersection Detail (see following Figure 3.6-2).

Comment 3.6-14: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): The extent and material for any curbing that may be proposed along the new roadway that connects to Grandview Avenue must be demonstrated on the site plan. Any curbing must taper for 15 feet from a 6-inch reveal to zero within the county right-of-way.

Response 3.6-14. The curbing detail showing the 15-foot taper has been added to the Grandview Avenue Intersection Detail (see Figure Figure 3.6-2).

Comment 3.6-15: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): The plans shall indicate the location and details of a stabilized construction entrance. Based upon future plans submitted for this project, we may require the applicant post advanced warning signs along Grandview Avenue during construction to alert motorists of potentially slow moving construction vehicle entering and exiting the site.

Response 3.6-15 The location and construction detail for the Anti-Tracking Pad has been added to the Grandview Avenue Intersection Detail (see Figure 3.6-2).

Comment 3.6-16: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): A Separate Rockland County Highway Department Work Permit will be required for the development of each lot that fronts the county roadway.

Response 3.6-16. Comment noted.

Comment 3.6-17: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): A Separate Rockland County Highway Department Work Permit will be required for the construction of any new or improved street connection to the county highway.

Response 3.6-17. This permit is included in the list of required permits in this document.

Comment 3.6-18: (Joseph Arena, County of Rockland Department of Highways, Letter February 22, 2006): A separate additional Rockland County Highway Department Road Opening Permit will be required for any utility or sewer connections that require the disruption of the paved surface within Grandview Avenue.

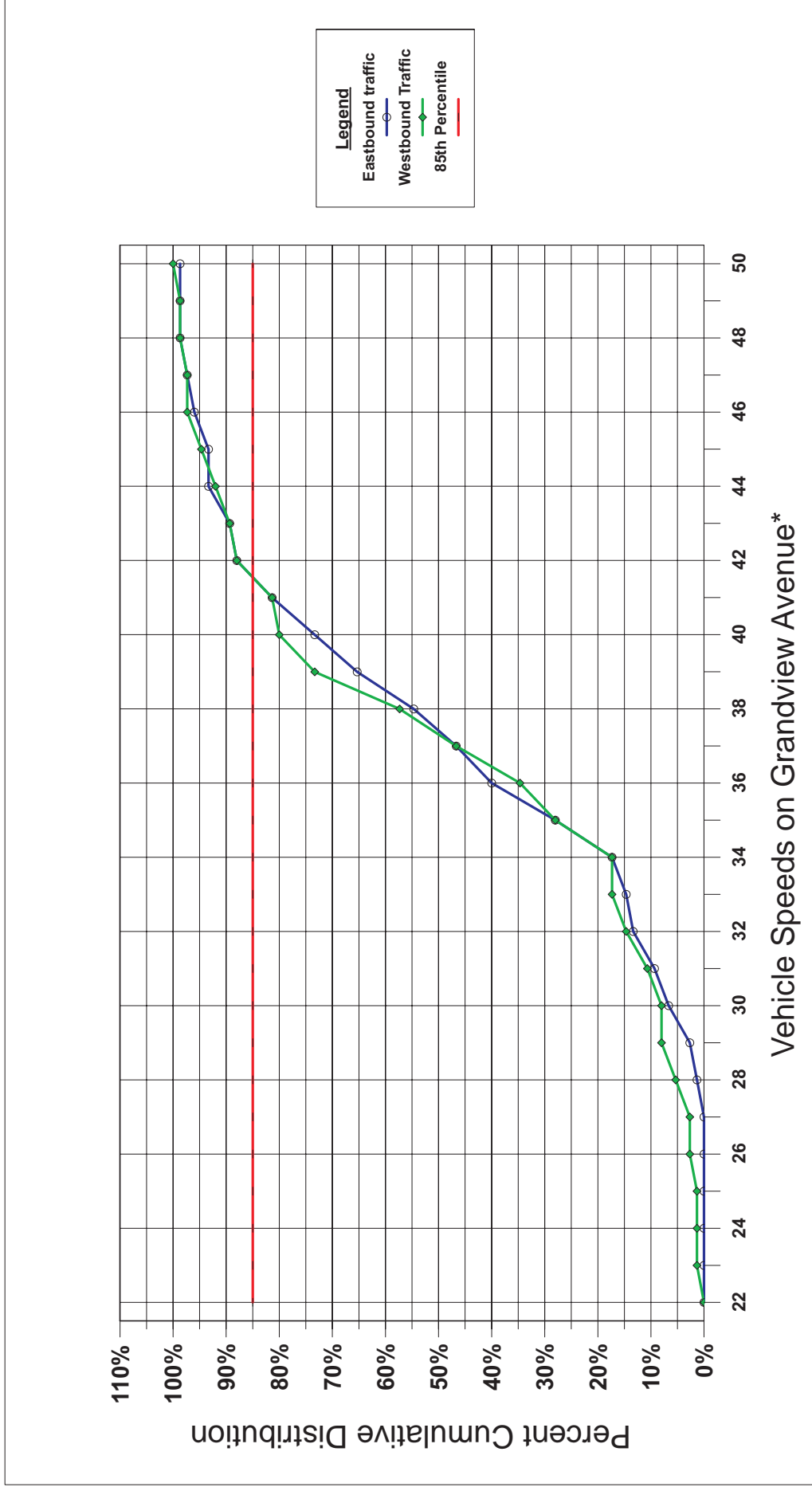
Response 3.6-18. Comment noted.

Comment 3.6-19: (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): As noted above, this site has frontage on Grandview Avenue, a county road, and is therefore under the jurisdiction of the Rockland County Highway Department. The applicant shall comply with the conditions of the Rockland County Highway Department's May 3, 2005 and February 22, 2006 letters.

Response 3.6-19. Comment noted.

Comment 3.6-20: (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): In the second to last paragraph on Page 3.6-2, it incorrectly states that Grandview Avenue provides north-south movement in the Village of Montebello; Grandview Avenue provides east-west movement.

Response 3.6-20. Comment noted.



* Measured March 28, 2006, 2 PM to 4 PM

Figure 3.6-1: Vehicle Speeds on Grandview Avenue
 Weinberger Subdivision
 Village of Montebello, Rockland County, New York
 Source: Tim Miller Associates, Inc.

3.7 LAND USE AND ZONING COMMENTS AND RESPONSES

Comment 3.7-1 Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): As noted in the DEIS, the standard layout and cluster layout plans generally comply with the Village of Montebello's subdivision and zoning regulations and are compatible with the surrounding land uses. Forty-eight residential lots are proposed under both layouts. The cluster layout limits access to two locations including an entrance off of Grandview Avenue and an extension of South Parker Drive. There is no cul-de-sac proposed in the southwest corner of the site under the cluster layout plan. While both layouts are also generally consistent with the goals and objectives of the Village's Comprehensive Plan and the County's Comprehensive Plan, the cluster plan is more compatible in that it results in less disturbance to natural features such as wetlands, greater protection of stream corridors and drainage ways and preservation of 23.85 acres in the western portion of the site to be dedicated as open space to the Village.

Response 3.7-1: Comment noted.

3.8 VISUAL RESOURCES COMMENTS AND RESPONSES

Comment 3.8-1 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): The Montebello Comprehensive Plan recommendations for protecting the character of the Village's historic and scenic roads are listed on Page 3.8-2. The word "district" in the fourth recommendation should be changed to "distinct."

Response 3.8-1: Comment noted.

Grandview Avenue is considered to be an historic roadway in the Village of Montebello according to the Village of Montebello Comprehensive Plan, as described in DEIS Chapter 3.8. The Project Sponsor has prepared alternative layouts for the proposed lots located closest to Grandview Avenue in response to a request by the Planning Board following the close of the comment period on the DEIS. This request resulted from a concern that rear-facing homes on the lots abutting Grandview Avenue would be inconsistent with the orientation of existing homes nearby. The Applicant has prepared alternative layouts for this portion for the project site (see Figures 3.8-1 to 3.8-3). These optional layouts (or "Part Plans") for this portion of the site increase the distance between some of the homes and Grandview Avenue, and re-orient several of the proposed homes. The Project Sponsor is willing to implement any of these optional layouts for these northernmost homes should the Planning Board determine that an option would be more suitable to the historic context of Grandview Avenue.

I:\dwgs\03\03126\SP\11\mike5-30-06\Part Plan-Layout Standard-alt.dwg, Figure 3.8-1 (11x17), 10/5/2006 2:47 PM, Oce 9600 NGC1.x & 2.x.pc3, ANSI expand B (17.00 x 11.00 inches), 1:2, 1"



LEGEND

- PROPERTY LINE
- - - DESIGNATED STREET LINE
- - - 100 YEAR FLOOD PLAIN BOUNDARY
- FLOODWAY
- ▨ CHANNEL AREA OF WATERCOURSE OR DITCH
- ▨ REGULATED AREA OF WATERCOURSE OR DITCH
- - - N.Y.S.D.E.C. (& VILLAGE) WETLAND
- - - N.Y.S.D.E.C. (& VILLAGE) WETLAND REGULATED AREA
- - - ACOE WETLAND
- ▨ COMBINED N.Y.S.D.E.C. (& VILLAGE) & ACOE WETLAND

HOME SETBACK DISTANCE FROM GRANDVIEW AVENUE E.O.P.

HOME NUMBER	DEIS PLAN (feet)	ALTERNATE PLAN (feet)
5	129.1	157.3
48	165.4	204.3
41	98.9	111.5
40	206.8	206.8

THIS PART-PLAN EXHIBIT FEATURES AN ALTERNATE LOT LAYOUT AT LOTS #5, #48, #41 & #40.

- NOTES:**
1. SITE AREA:
 - a. TOTAL SITE AREA = 84.15 ± ACRES
 - b. AREA OF INDIVIDUAL LOTS:
 - LOT 5, IN BLOCK 2, SECTION 41.13 = 39.6 AC
 - LOT 5, IN BLOCK 1, SECTION 841.17 = 3.8 AC
 - LOT 5, IN BLOCK 1, SECTION 41.17 = 20.1 AC
 - LOT 6, IN BLOCK 1, SECTION 41.17 = 20.65 AC
 2. 48 LOTS TOTAL
 3. ALL ROADS INCLUDE A 30 FT CROSS SECTION WITH BELGIAN BLOCK CURBS. REFER TO TYPICAL CROSS SECTION.

Figure 3.8-1: Part Plan: Alternate Standard Plan Lot Layout at Grandview Avenue
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 10/05/2006

I:\dwgs\03\0312615\...hmk\65-30-06\Part Plan-Layout Cluster-alt.dwg, Figure 3.8-2 (11x17), 10/5/2006 2:00:37 PM, Oca 9600 NGC1.x & 2.x.pcs, ANSI expand B (17.00 x 11.00 inches), 1:2.15



LEGEND

- — — — — PROPERTY LINE
- — — — — DESIGNATED STREET LINE
- - - - - 100 YEAR FLOOD PLAN BOUNDARY
- — — — — FLOODWAY
- █ CHANNEL AREA OF WATERCOURSE OR DITCH
- ▨ REGULATED AREA OF WATERCOURSE OR DITCH
- - - - - N.Y.S.D.E.C. (& VILLAGE) WETLAND
- - - - - N.Y.S.D.E.C. (& VILLAGE) WETLAND REGULATED AREA
- - - - - ADE WETLAND
- — — — — COMBINED N.Y.S.D.E.C. (& VILLAGE) & ADE WETLAND

HOME SETBACK DISTANCE FROM GRANDVIEW AVENUE E.O.P.

HOME NUMBER	DEIS PLAN (feet)	ALTERNATE PLAN (feet)
20	90.4	178.6
21	126.3	196.3
29	76.6	189.5
30	166.7	166.7

THIS PART-PLAN EXHIBIT FEATURES AN ALTERNATE LOT LAYOUT AT LOTS #16, #17, #18, #19, #20, #21, #22, #23, #24, #25, #26, #27, #28, & #29.

- NOTES:**
1. SITE AREA:
 - a. TOTAL SITE AREA = 84.15 ± ACRES.
 - b. AREA OF INDIVIDUAL LOTS:
 - LOT 5, IN BLOCK 2, SECTION : 41.13 = 39.6 AC
 - LOT 5, IN BLOCK 1, SECTION 841.17 = 3.8 AC
 - LOT 5, IN BLOCK 1, SECTION : 41.17 = 20.1 AC
 - LOT 6, IN BLOCK 1, SECTION : 41.17 = 20.65 AC
 2. 48 LOTS TOTAL.
 3. ALL ROADS INCLUDE A 30' ft CROSS SECTION WITH BELGIAN BLOCK CURBS, REFER TO TYPICAL CROSS SECTION.

Figure 3.8-2: Part Plan: Alternate Cluster Plan
Lot Layout at Grandview Avenue
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 10/05/2006



LEGEND

- PROPERTY LINE
- DESIGNATED STREET LINE
- - - 100 YEAR FLOOD PLAN BOUNDARY
- FLOODWAY
- █ CHANNEL AREA OF WATERCOURSE OR DITCH
- █ REGULATED AREA OF WATERCOURSE OR DITCH
- N.Y.S.D.E.C. (& VILLAGE) WETLAND
- N.Y.S.D.E.C. (& VILLAGE) WETLAND REGULATED AREA
- AOC WETLAND
- COMBINED N.Y.S.D.E.C. (& VILLAGE) & AOC WETLAND

HOME SETBACK DISTANCE FROM GRANDVIEW AVENUE E.O.P.

HOME NUMBER	DEIS PLAN (feet)	ALTERNATE PLAN (feet)
19	72.1	160.5
20	78.4	169.2
39	108.4	156.5
40	155.0	167.0

THIS PART-PLAN EXHIBIT FEATURES AN ALTERNATE LOT LAYOUT AT LOTS #15, #16, #17, #18, #19, #20, #21, #22, #23, #31, #34, #35, #36, #37, #38, #39 & #40

- NOTES:**
1. SITE AREA:
 - a. TOTAL SITE AREA = 84.15 ± ACRES
 - b. AREA OF INDIVIDUAL LOTS:
 - LOT 5, IN BLOCK 2, SECTION 41.13 = 39.6 AC
 - LOT 5, IN BLOCK 1, SECTION 841.17 = 3.8 AC
 - LOT 5, IN BLOCK 1, SECTION 41.17 = 20.1 AC
 - LOT 6, IN BLOCK 1, SECTION 41.17 = 20.65 AC
 2. 48 LOTS TOTAL
 3. ALL ROADS INCLUDE A 30' ft CROSS SECTION WITH BELGIAN BLOCK CURBS, REFER TO TYPICAL CROSS SECTION.

Figure 3.8-3: Part Plan: Alternate Lot Layout at Grandview Avenue for Alternative Cluster Layout Plan with Two Grandview Avenue Connections.

Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Leonard Jackson Associates, 10/05/2006

P:\dwgs\03031251\skc\h\mike5-30-06\3-8-4 Open Space Cluster.dwg, Figure 3.8-4 (1x17), 10/5/2006 12:25:46 PM, Oca 9600 NGC1.x & 2.x.pc3, ANSI expand B (17.00 x 11.00 inches), 1:2.752



Figure 3.8-4: Cluster Plan Proposed Open Space.
 Weinberger Subdivision FEIS
 Village of Montebello,
 Rockland County, New York
 Source: Leonard Jackson Associates, 09/05/2006

3.9 CULTURAL RESOURCES COMMENTS AND RESPONSES

Comment 3.9-1 (John F. Lange, Frederick P. Clark Associates, Inc., Letter, January 10, 2006): The Cultural Resource study recommends further study which was not completed. They recommend a 1B assessment be completed. Impacts of the layouts can not be determined until this is completed.

***Response 3.9-1:** Phase 1B and Phase II Cultural Resource studies have been completed (see Appendix D). Based on these investigations, no impacts are projected and no further work is recommended.*

The complete Phase I and Phase II reports have been submitted to the NYS Office of Parks, Recreation and Historic Preservation for review. Based on the findings and recommendation by the archaeologist, a determination that the proposed project will have no impact on cultural resources is anticipated.

Comment 3.9-2 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): In the fourth paragraph on Page 3.9-1, it states that the Rockland County Comprehensive Plan process led to the formation of the “Rockland County Historic Society.” This should be corrected to read the “Rockland County Historic Preservation Board.” The Historical Society of Rockland County prepared the historic sites and structures survey with technical assistance from the Rockland County Planning Department.

***Response 3.9-2:** Comment noted.*

3.10 COMMUNITY FACILITIES AND UTILITIES COMMENTS AND RESPONSES

Comment 3.10-2 (Daniel M. Miller, Ph.D., Letter January 6, 2006): Although much of the potable water supplied by United Water of New York (UWNY) to the Village of Montebello may, in fact, be derived from the glacial outwash deposits referenced as the “Valley-Fill aquifer,” the UWNY distribution system is completely interconnected. Therefore, water delivered to any given service connection could also be derived from the Lake DeForest Reservoir and/or any of the numerous UWNY supply wells completed within fractured bedrock of the Passaic Formation. Additionally, many of the individual wells in Montebello are completed within fractured bedrock (locally the Hammer Creek Fm.) rather than within the Valley-Fill aquifer.

Response 3.10-2: *Comment noted.*

Comment 3.10-3 (Daniel M. Miller, Ph.D., Letter January 6, 2006): While 75 gallons per person per day is a reasonable estimate for annual average domestic water use, this per capita demand does not account for outdoor water use, particularly during the summer months. Therefore, the applicant should provide well-documented estimates for both summer average and peak-day demand that will result from the proposed subdivision, since UWNY has had difficulty meeting such demands in prior years. These estimates should account for the extensive nature of the landscaping and irrigation systems that typify such developments as well as for the probability that many of these homes will have swimming pools and/or spas.

Response 3.10-3: *The provision of an adequate water supply is under the jurisdiction of the Rockland County Department of Health and is the responsibility of the supplier, United Water of New York (UWNY), which recently has been required to certify the adequacy of water supply for developments. Where practicable, groundwater recharge will be incorporated into the proposed project. The project engineer has designed the project with preservation of natural wooded areas to the maximum extent practicable, thus minimizing the need for landscaping that requires sprinklering. UWNY has advised the project engineer that adequate supply will be available to serve the Weinberger site.*

The following Water Consumption Summary Table as well as a Summer Sprinklering Demand Analysis provides the requested summer average and peak- day usage.

Table 3.10-1: Water Consumption SummaryTable

Average Daily Flow Per Bedroom	=	110 Gallons per Day per bedroom
Average Daily Flow per Dwelling	=	450 Gallons per Day (4+ Bedrooms)
Average Daily Flow (Subdivision)	=	450 X 48 = 21,600 gpd
Maximum Daily Flow (Subdivision)	=	2 Times Average = 2 (21,600) = 43,200 gpd
Maximum Hourly Domestic Peak	=	4 Times Average Daily Flow = 4 (21,600) = 86,400 gpd
Fire Flow	=	750 Gallons/min. @ 20 psi residential

Summer Sprinklering Demand Analysis

Lawn water requirements during the summer growing are generally estimated at one inch per week. Average rainfalls totaling about 4” per month generally meets this need. Supplemental sprinklering is provided by homeowners to yield

continuous green lawns and to supplement shrub watering. This supplemental need is estimated at 1" per month over the lawn area.

On the Weinberger Subdivision, land disturbance and lawn areas are kept to a minimum in order to preserve the natural woodland area in which the subdivision is located. Groundwater levels are relatively high on the lots near or adjacent to wetlands. As a result of these factors sprinklering requirements at the Weinberger Subdivision are lowered. Sprinklering is generally performed in early morning hours and therefore has minimal affect on the water distribution system capacity which is designed to convey peak domestic and fire fighting discharges.

It is estimated that, on the average, the subdivision will include lots with lawn areas averaging 7,500 square feet which will require an average daily sprinkler flow per lot as follows:

$$156 \text{ gpd} \left(7,500 \times \frac{1}{12} \times \frac{7.48}{30} = 156 \right) \text{ added to the domestic demand of 450 gpd.}$$

Comment 3.10-4 (Daniel M. Miller, Ph.D., Letter January 6, 2006): A "willingness to serve" letter from UWNY will not be sufficient for approval of the proposed water supply for this subdivision. In order to complete their Application for Approval of Plan for Public Water Supply Improvement, which will be required for UWNY to expand their distribution system to serve this project, UWNY will need to supply an engineering evaluation that demonstrates their ability to serve this project while meeting the criteria contained within the "Recommended Standards for Water Works," commonly known as 10-State Standards. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. For the convenience of the Planning Board, we have attached a copy of the RCDOH Procedure for Water Main Engineering Submittals and Installations.

Response 3.10-4: *Nancy Choi of United Water NY has indicated that they have completed their engineering evaluation and will forward it to the Rockland County D.O.H. once they receive plan sets from the Applicant. (Plan sets will be furnished by the project sponsor following the Planning Board's selection of a preferred alternative).*

Comment 3.10-5 (Daniel M. Miller, Ph.D., Letter January 6, 2006): United Water of New York's (UWNY's) ability to reliably meet projected future water demands county-wide should also be considered for planning purposes. In a presentation to the Rockland County Legislature on July 20, 2005, UWNY projected peak day, or "Max Day" demands of 46.6 - 47.2 MGD for 2005, 48.9 - 51.4 MGD for 2010, 50.6 - 52.8 MGD for 2015 and 52.1 - 54.5 MGD for 2020.

Response 3.10-5: *Comment noted. Based on the estimates of anticipated peak and max day water demand for the Weinberger Subdivision and the UWNY's projections of peak and max day demand, the project engineer does not anticipate that the proposed project will affect UWNY's ability to met projected future peak and max day water demands county-wide.*

Comment 3.10-6 (John F. Lange, Frederick P. Clark Associates, Inc., Planning Consultants, Town of Ramapo, Letter January 10, 2006): The potential to link the existing Town Parks was not even mentioned in the DEIS, let alone evaluated. The importance of linear linkages created for wetlands, water bodies and flora and fauna protection have been ignored. It would have been ideal to see an alternative that would have safeguarded these resources by

creating a linear park between the two Town Parks, with a subdivision with smaller lots than proposed. . . There is no discussion of the importance of this property in relation to the Town's parks adjacent to the development in section 3.10-10&11, including Orchard Hills and the wetlands on the corner of Ward-Ling Park. Mitigation measures for this project should include as a minimum a connection for the two existing Town Parks to create a more protected, workable linear environmental asset.

Response 3.10-6: *The 23.85-acre cluster open space parcel proposed for dedication to the Village of Montebello does connect Ward-Ling Park and Orchard Hills Park for the purpose of linking wetlands and waterbodies, and flora and fauna protection. In proposing the dedicated open space area, the project sponsor provides a large, undisturbed wildlife habitat corridor through the property connecting preserved lands off-site. The rear lot lines at lots 6 & 7 have been adjusted in the revised plans to improve the open space connectivity at this vicinity.*

Comment 3.10-7 (John F. Lange, Frederick P. Clark Associates, Inc., Planning Consultants, Town of Ramapo, Letter January 10, 2006): In evaluating the impacts of selected alternatives upon the schools, the DEIS states that the mitigation of the shortfall of the number of elementary school seats is offset by the fact that this development will not occur immediately and that the Districts can "redistrict" to accommodate the shortfall. First, there is no evidence that this is acceptable to the School District. Second, an assumption has been made that there will be no other school children generated from this area which is unlikely in the next 5 years. Third, the tax revenue generated will offset the financial cost of additions or new schools. That clearly is not true. Enrollment has been growing and there is little room for redistricting within the other elementary schools without incurring additional costs. The existing school was not evaluated for the ability to expand classrooms on site, nor was there mention of mitigating factors including a school site or other incentive.

Response 3.10-7: *Regarding fiscal impacts to the School District, the DEIS states that the project is projected to bring \$622,269 in additional property tax revenues to the Ramapo Central School District and that, based on estimated per pupil costs at the time of the DEIS preparation, a deficit of \$277,710 would be incurred by the School District.*

The DEIS' projection of School District costs is provided as an approximate gauge of impacts based on comparing total School District taxes from the development to total School District costs based on existing per pupil expenditures, rather than as a projection of costs per se. The costs indicated in the DEIS would cause the School District to adjust tax rates and/or services to all users, or households that fall within the taxing jurisdiction of the School District. If the deficit indicated in the DEIS were to result, the School District would need to raise its tax rate, and the project would result in more revenues than were predicted in the fiscal analysis, but still less than costs.

The DEIS also notes that regarding School Impacts the Weinberger Subdivision would be similar to other residential developments in the Village within the same price range, which also result in a net cost to the school district. However, many of the children residing in surrounding neighborhoods do not attend the public schools and it is anticipated that a majority of the students who will reside in the proposed subdivision will not attend public schools (see discussion of updated

data from the Ramapo Central School District below, which has resulted in a revised projection of School District impacts).

Regarding redistricting, the possible use of redistricting was raised by Superintendent MacNaughton of the Ramapo Central School District as a potential solution to overcrowding at Viola Elementary School, should enrollment levels require this in the future. In a telephone discussion on July 6, 2005, Dr. MacNaughton indicated that it is difficult to determine at this time exactly what will be needed to address impacts of the proposed project (or if redistricting would in fact be required) since it is so far in advance of when the increase in enrollment would occur. Dr. MacNaughton indicated that if increases in enrollment were to be an issue, the District could potentially be required to move some students out of the Viola School to another elementary school or, alternatively, the District could redistrict the area of the Weinberger project site to another school, if necessary. A recent redistricting study conducted by the School District did not take into account the additional school children that are expected to reside at the Weinberger Subdivision (according to Ramapo Central School District Office of the Superintendent, March 1, 2006).

These potential measures to address the increase in enrollment resulting from the Weinberger Subdivision that were raised by Dr. MacNaughton may preclude the need for capital expansion of District facilities. Determination over whether the Viola School can be expanded, as the commenter has asked, would require evaluation of constraints of the school site and state requirements related to classroom expansion.

Based on the distribution of school age children over various grade levels indicated in the Urban Land Institute's Development Impact Assessment Handbook (Burchell, Listokin, Dolphin, Et. al., 1994), once fully occupied the proposed project would be expected to increase public school K-6 enrollment by approximately six students per grade. Provision of a school site on the project site, as was mentioned in this comment, is not proposed and is not considered by the project sponsor to be commensurate with the level of impact to the School District that is expected from the project. Furthermore, sufficient area is not available on the project site to accommodate a school site without significantly affecting wetlands and regulated areas.

Updated 2006 Ramapo Central School District data on school children residing at Montebello Pines and Ramapo Central School District data for existing homes in the vicinity of the project site have been evaluated by the project sponsor. Based on this updated schools data that indicate lower public school children generation rates than those indicated in the DEIS (projected increase in public school enrollment of between three and 53 students versus DEIS estimate of 60 public school children), the project sponsor has revised the phasing plan for the Weinberger Subdivision. The May 23, 2006 Draft FEIS indicated a limitation on issuance of Certificates of Occupancy (C.O.s) of 16 per 12-month period. Given the uncertainty as to the number of anticipated public school children that may reside in the development, the occupancy of residential units will be phased over several years to allow the school district to adapt to increased enrollment as needed. A total of 12 certificates of occupancy (COs) shall be issued within 12 months of the first CO being issued. A total of 24 COs shall be issued within 24

months of the first CO being issued. A total of 36 COs shall be issued within 36 months of the first CO being issued. A total of 48 COs shall be issued within 48 months of the first CO being issued. Certificates of occupancy for any model home permitted by the Planning Board shall be subject to the provided schedule. After the first 18 lots are sold, the project sponsor may request relief from the Planning Board of the CO limitations discussed herein, based upon the potential impact on the public school district.

[Lower rates of school children anticipated from the proposed project is based on 1) updated data for the Montebello Pines subdivision from the Ramapo Central School District that show 18 percent fewer school age children than previously indicated by the School District; and, 2) comparison to school age children multipliers from 79 homes in the Ramapo Central School District located in the neighborhood directly to the east of the Weinberger Subdivision project site (Martha Road, Judith Lane, Quince Lane, Antoinette Court and Celia Court). The revised data for Montebello Pines indicates that the current total of 208 students residing there results in a reduced multiplier of 1.1818 students per household, versus the previous projection based on Montebello Pines of 1.4375 students per household. According to the School District, approximately seven percent of these children attend private schools. For the neighborhood immediately adjacent to the project site, the Ramapo Central School District indicates even lower rates of school children, with most of those children attending private schools. Each of these 79 households contains, on average, one school age child (total of 79 school age children). Seventy-four of these children attend private schools and five of these children attend public schools, including Cherry Lane Elementary School, Suffern Middle School and Suffern High School.¹ The average of the updated Montebello Pines data (1.1818 public school children per household) and neighborhood data for streets located to the east (0.063 public school children per household) indicates a projected increase in enrollment of 28 public school students from the Weinberger Subdivision once fully occupied. School District revenues of \$622,269 are anticipated. Based on demographic multipliers of the adjacent neighborhood, with only three public school children residing at the Weinberger Subdivision, a tax surplus of \$577,866 would result. Based on the revised demographic multipliers of the Montebello Pines neighborhood (53 public school children), the School District would incur a net cost of \$162,184. Based on an average of the Montebello Pines and adjacent neighborhood demographic multipliers, projected increases in enrollment would result in school district costs of \$414,428 and would result in a net tax surplus to the Ramapo Central School District of \$207,841.]

Comment 3.10-8 (John F. Lange, Frederick P. Clark Associates, Inc., Planning Consultants, Town of Ramapo, Letter January 10, 2006): The text notes that west of the western boundary of the property is a Town of Ramapo Park as is the case south of the southeastern border of the property. The fact that these adjoining lands are parks is not highlighted on the maps and could easily be overlooked.

Response 3.10-8: As described in DEIS Chapter 3.10, Town of Ramapo parkland adjacent to the project site includes Ward-Ling Park and Orchard Hills Park (see following Figure 3.10-1: Adjacent Parkland, Open Space and Land

¹Joan Lauder, Ramapo Central School District, telephone interviews 8/15/06 and 8/17/06.

Use). Ward-Ling Park and Orchard Hills Park are labeled on DEIS Figures 1-1 and 1-2, as well as Figures 2-4 through 2-7, among other DEIS figures.

The Town of Ramapo has also recently purchased a parcel of land that is adjacent to the project site for open space preservation, located at the southeast corner of the intersection of Grandview Avenue and Spook Rock Road. The ecological function of the adjacent parkland and open space is discussed in Section 3.3 above.

Comment 3.10-9 (John F. Lange, Frederick P. Clark Associates, Inc., Planning Consultants, Town of Ramapo, Letter January 10, 2006): Page 3.10-4 states the Town handles solid waste for this development. This is incorrect. Section 3.10.8 states the Town of Ramapo Department of Public Works provides Municipal refuse collection and disposal services. This is incorrect. Refuse collection is handled by private carters.

Response 3.10-9: Comment noted.

Comment 3.10-10 (John F. Lange, Frederick P. Clark Associates, Inc., Planning Consultants, Town of Ramapo, Letter January 10, 2006): Section 3.10.10 is not correct. All of the projections for water and wastewater are overly optimistic. The Public Works department asked for a proper sewer analysis evaluating the capacities of the Town's system. This was not done and the calculations are not correct. A peaking factor was not provided in the calculations as well.

Response 3.10-10: A sewer analysis has been prepared by the project engineer at the request of the Town of Ramapo Engineer in order to assess the capability of the local receiving sewer line to convey sewage to the interceptor. Adequate capacities were found and the results were submitted to the Town of Ramapo (see Appendix).

The Town DPW has reviewed the Sewer Analysis. They have requested that an additional sewer line be analyzed but have also indicated that they do not believe sewer capacity will be an issue. The sewer analysis has been revised and resubmitted to the Town DPW. A copy of the sewer analysis is on-file at the offices of the Lead Agency.

Comment 3.10-11 (John F. Lange, Frederick P. Clark Associates, Inc., Planning Consultants, Town of Ramapo, Letter January 10, 2006): A minimum buffer of 50 feet would be required from each of the Town Parks.

Response 3.10-11: Neither the Standard Layout Plan nor the Cluster Layout Plan include homes located within 50 feet of a Town Park. Under the Standard Layout only, construction of impervious paved surfaces associated with Road "E", which connects to Carol Drive, is proposed within 50 feet of a Town Park (Ward-Ling Park).

Comment 3.10-12 (John F. Lange, Frederick P. Clark Associates, Inc., Planning Consultants, Town of Ramapo, Letter January 10, 2006): Impacts to Water Supply (Section 3.10.9) do not assess potential for water recharge.

Response 3.10-12: *The proposed water source for the project is municipal water and not groundwater from on-site supply wells. It should be noted that a United Water supply well is located in the vicinity of the project site. Recharge of the local aquifer will continue to occur on portions of the subject property that are not covered with impervious surface. According to project plans, approximately 25.26 acres of the site (30 percent), will be developed with impervious surface. Therefore, 57.82 acres, or 70 percent of the site, will remain available for recharge of the local aquifer from precipitation. A recharge analysis indicates that the recharge of the local aquifer from the project site will exceed the project water demand, provided in Table 3.10-2 below.*

Table 3.10-2 Recharge Calculations	
Acres (pervious surface available for recharge)	57.82
Square Feet	2,518,639
Average rainfall per year (inches) *	47
Average rainfall per year (feet)	3.92
Cubic feet of precipitation per year	9,864,669
Gallons of precipitation per year	73,787,725
Amount lost to evapotranspiration and runoff (75%)	55,340,793
Amount, in gallons, available for recharge per year	18,446,932
Amount, in gallons, available for recharge per day	51,817
Amount, in gallons, available for recharge per minute	35.98
Source: Tim Miller Associates, Inc., * USDA Soil Survey of Rockland County, Table 1	

As shown in the table above the estimated groundwater recharge for the project site alone is 51,817 gallons per day. This is a conservative estimate, using standard estimates for evapotranspiration and run-off. The engineer's estimated project water demand is 21,600 gallons per day. Therefore, the estimated groundwater recharge greatly exceeds the project water demand. Although the proposed development of the property will affect the groundwater recharge, the impact is not considered significant.

Comment 3.10-13 (John F. Lange, Frederick P. Clark Associates, Inc., Planning Consultants, Town of Ramapo, Letter January 10, 2006; Eve Mancuso, P.E., Letter February 13, 2006): There is no sewage system report detailing size and capacity of the collection system, although there is a statement that there is sufficient capacity to handle the flow from this development. Town of Ramapo engineering personnel provided the applicant's engineer with a host of maps and details and expected a complete report based upon the information provided. This did not occur. A review by the Rockland County Sewer District should be performed.

Response 3.10-13: *See response 3.10-10 above.*

Comment 3.10-14 (Fred Newmark, Public Hearing, January 10, 2006): Police and Fire impacts would be significant. The Police and Fire Departments do not have adequate resources to serve the 200 new residents that are anticipated.

Response 3.10-14: As stated on page 3.10-6 of the DEIS, the estimate of police and fire department impacts is based on standards contained in the *Development Impact Assessment Handbook* (Urban Land Institute, 1994), which is a standard source for quantifying increases in demand for community service providers. A rate of two police officers and 0.6 police vehicles per population of 1,000 is assumed. Based on planning standards contained in the Urban Land Institute's 1994 *Development Impact Assessment Handbook*, it is estimated that 1.65 fire personnel per 1,000 population are required to serve a new population. The anticipated increase in population of 201 persons for both the Standard and Cluster Layout Plans would generate a demand for 0.3 additional fire personnel, and a need for 0.4 additional police personnel and 0.1 police vehicles.

The DEIS conclusion regarding Police Department impacts was confirmed by the Town of Ramapo Police Department. According to Lieutenant Gravina of the Town of Ramapo Police Department, the proposed Montebello Weinberger subdivision would not result in a need for additional manpower or equipment and would have no negative impacts on the ability of the Department to provide adequate police protection.²

The Fire Department has expressed the need for a new substation, although this need is due to the level of development in the area in general. The Fire Department did not state that it could not provide adequate fire protection services to the site, and did not indicate that it could not adequately protect the 48 proposed new homes. The Fire Department and Police Department require unimpeded (without locked gates) access to the subdivision from South Parker Drive to adequately service the community. Land for a substation is not being offered as part of this development.

Comment 3.10-15 (Fred Newmark, Public Hearing, January 10, 2006): The number of school age children will be greater than what was projected in the DEIS.

Response 3.10-15: As stated on page 3.11-1 of the DEIS, the average number of children per household for new development in the Village of Montebello was estimated based on comparable examples of occupied homes in the nearby Montebello Pines development, which is located to the west of Airmont Road, just north of the New York State Thruway. The Ramapo Central School District reports that the School District currently transports 253 school children by bus from this development of 176 homes. Therefore, this existing development has approximately 1.4375 school age children per household, on average.³ This rate of school children per household is considerably higher than rates that are typically used from the Urban Land Institute, and is based on local experience. Therefore, the number of school age children residing at the project site that was estimated in the DEIS was considered a reasonable estimation of the number of public schoolchildren to live in the development. Updated estimates have been provided indicating lower rates of public schoolchildren (see Response 3.10-7). As stated above, the project sponsor expects that the percentage of children who will attend private schools will be much higher than the 13 percent indicated by the School District, and that the additional school age children residing at the

² Lieutenant William Gravini, telephone interview, October 24, 2005.

³ *Dr. Robert MacNaughton, Superintendent, Ramapo Central School District, telephone interview, July 6, 2005.

Weinberger Subdivision that would be expected to attend public schools would be spread out over the various grade levels. As stated above, many of the children residing in surrounding neighborhoods do not attend the public schools and it is anticipated by the Project Sponsor that a majority of the students who will reside in the proposed subdivision will not attend public schools. Nevertheless, mitigation of school district impacts is proposed by the project sponsor in the form of a limitation on the number of certificates of occupancy issued each year following the issuance of the first certificate of occupancy (see Response 3.10-17).

Comment 3.10-16 (Fred Newmark, Public Hearing February 14, 2006): What did the Monsey Fire Department have in mind when they stated their opposition to any alternative that does not have unobstructed access to South Parker Drive?

Response 3.10-16: The Fire Department requested that a roadway connection between South Parker Drive and Grandview Avenue be included in the project so that emergency service providers can have quicker access to the subdivision. The letter from the Fire Department is included in DEIS Appendix B.

Comment 3.10-17 (Robert Geneslaw, AICP, Letter February 13, 2006): A staging plan should limit the number of certificates of occupancy that can be granted within a specific time frame (e.g., no more than 12 Certificates of Occupancy within one year of final subdivision approval, 24 within two years, 36 within three years, 48 within four years). This would allow the School District and other service providers to be certain of when they should be ready to accommodate the new load generated by the development.

Response 3.10-17: Based on updated school data that indicates lower public school children generation rates than those indicated in the DEIS (projected increase in public school enrollment of between three and 53 students versus DEIS estimate of 60 public school children), the project sponsor has revised the phasing plan for the Weinberger Subdivision. The May 23, 2006 Draft FEIS indicated a limitation on issuance of Certificates of Occupancy (C.O.'s) of 16 per 12-month period. Given the uncertainty as to the number of anticipated public school children that may reside in the development, the occupancy of residential units will be phased over several years to allow the school district to adapt to increased enrollment as needed. A total of 12 certificates of occupancy (COs) shall be issued within 12 months of the first CO being issued. A total of 24 COs shall be issued within 24 months of the first CO being issued. A total of 36 COs shall be issued within 36 months of the first CO being issued. A total of 48 COs shall be issued within 48 months of the first CO being issued. Certificates of occupancy for any model home permitted by the Planning Board shall be subject to the provided schedule. After the first 18 lots are sold, the project sponsor may request relief from the Planning Board of the CO limitations discussed herein, based upon the potential impact on the public school district.

Comment 3.10-18 (Ira Emanuel, Esq., Letter February 8, 2006): The impact of adding an estimated 69 children to the Ramapo Central School District system needs mitigation. The EIS should discuss how a limit of 12 homes per year will be enforced, such as providing that no more than 12 Certificates of Occupancy will be issued in a 12-month period beginning with the issuance of the first.

Response 3.10-18: See Response 3.10-17.

Comment 3.10-19 (Robert Geneslaw, AICP, Letter February 13, 2006): The Town of Ramapo Police Department has stated that a site plan that included locked gates within the subdivision would not be acceptable. The Monsey Fire District has stated that it would oppose any subdivision without full connectivity to South Parker Drive. The opinions of emergency service providers should be given heavy consideration when deciding whether to interconnect neighborhoods. Both letters are included in the DEIS Appendix B.

Response 3.10-19: Comment noted.

Comment 3.10-20 (Robert Geneslaw, AICP, Letter February 13, 2006): On page 3.10-12 the DEIS confuses open space and parkland as a basis for concluding that the proposal does not need to mitigate recreational resources. The fact is that no parkland is being provided as part of this subdivision. Under the cluster plan a parcel of land, which is predominantly wet, is proposed for dedication to the Village as open space. The development potential of this open space parcel has been accounted for in the total development potential of the site. Consistent with New York State Village Law, the land being set aside is being set aside due to its natural and scenic qualities of open lands. The preservation of these lands in a natural state is not conducive to the provision of active recreational opportunities to the future residents.

Response 3.10-20: Comment noted. The project sponsor notes that there is upland area in the southwest corner of the project site, and that the Village Board has indicated that this area is not suitable for active recreation. Under the Standard Plan, this upland area is shown as being developed for several single-family homes, and the Cluster Plan accounts for the density of housing that could be built in this area that is surrounded by wetlands and a stream course. This area would best serve as a natural habitat linkage between the undeveloped Ward-Ling Park and Town preserved wetland open space to the west and the undeveloped back end of Orchard Hills Park to the east. As stated in Chapter 3.6, the project sponsor has verified verbally that it will be providing the Village with money in lieu of land consistent with Village and New York State policies and regulations as no lands suitable for recreational purposes exist on-site.

Comment 3.10-21 (Robert Geneslaw, AICP, Letter February 13, 2006): While the DEIS describes the abundance of existing recreational acreage within the Village, it fails to clarify that the majority of the acreage is natural and wooded lands (mostly controlled by the Palisades Interstate Park Commission and the County of Rockland) and a golf course offering only limited recreational activities to the public.

Response 3.10-21: Comment noted. See Response 3.10-20 above.

Comment 3.10-22 (Robert Geneslaw, AICP, Letter February 13, 2006): The DEIS also mischaracterizes the recommendations of the Village Comprehensive Plan with regard to the nearby Orchard Hill Park. The DEIS does not explain that the park is not directly accessible from Montebello as is succinctly stated on page 44 of the Comprehensive Plan. The DEIS states that the Comprehensive Plan, "identifies Orchard Hill Park as an underutilized park which could support passive and active recreational uses." The Comprehensive Plan actually only raises the possibility of providing wider usage of Orchard Hill Park by recommending that "potential and active uses that could be supported by this property should be explored."

Response 3.10-22: *Comment noted. See Response 3.10-20 above.*

Comment 3.10-23 (Robert Geneslaw, AICP, Letter February 13, 2006): The Comprehensive Plan clearly recommends that the Village “Acquire and develop property for active recreational facilities, e.g., league fields,” and that it “introduce improvements that would allow expanded seasonal and daily use.” The DEIS does not identify how the future residents will compound the existing need for active recreational land identified in the Comprehensive Plan, and how this compounding can be mitigated. As mitigation to community recreational resources, the applicant should set aside parkland under a standard plan (before computing density for a cluster plan) or should provide money-in-lieu-of-land consistent with identified Village needs and policies. Consistent with decisions of the court (*Bayswater v. Lewisboro*) it is our understanding that the Planning Board is authorized upon a proper finding of need to require both cluster open space and parkland or money-in-lieu-thereof. The Planning Board attorney should verify this.

Response 3.10-23: *Comment noted. See Response 3.10-20 above.*

Comment 3.10-24 (Eve Mancuso, P.E., Letter February 13, 2006): The requirements for a Water Main Extension in accordance with the Rockland County Department of Health must be addressed and adhered to.

Response 3.10-24: *Comment noted. The Rockland County Department of Health will review the proposed plans between Preliminary Plat approval and Final Subdivision Approval.*

Comment 3.10-25 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): Prior to connecting any building to sanitary sewers, the developer must obtain a waiver of the EPA’s grant condition, which restricts sewer connections from ESA lots. Any sewer application for these parcels cannot be approved until the New York State Department of Environmental Conservation (DEC) and EPA approve the waivers.

Response 3.10-25: *Preliminary plat will contain a note stating that approval of the final plat will be conditioned upon receipt of an ESA waiver.*

Comment 3.10-26 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): Details for sanitary sewer construction must comply with the District’s construction standards and should be shown on the plans.

a. Drawing No. 3A [Utility Plan (Standard)] shows that the sewer connection for Lot No. 31 ties into a proposed sanitary manhole identified as SMH #10. However, Rockland County Sewer District No. 1 construction standards specify that, “All sewer connections shall be via a properly installed wye, tee or saddle on the main sewer pipe.” Please revise the house connection to conform to District standards.

b. Drawing No. 3A and 3B [Utility Plan (Cluster)] show the connection from the proposed sewer on Road “D” to the existing sewer on Grandview Avenue without a manhole. However, Section 34.1 of “Ten State Standards” specifies, “Manholes shall be installed...at all intersections.” The connection

between the new eight-inch (8") sewer pipe and the existing sewer pipe on Grandview Avenue must be via a manhole.

c. The "Sanitary House Connection Detail" on Drawing No. 6 (Details) does not conform to District standards. District standards specify a six-inch (6") diameter pipe from the cleanout at the property line to the sewer main. Attached please find the District's "Building Connection Detail" and "Building Connection Trench Detail".

d. The "Bedding Detail: Storm & Sanitary Pipe" on Drawing No. 6 does not conform to District standards. District standards call for:

i. a minimum of six inches (6") of $\frac{3}{4}$ " crushed stone embedment all around the pipe as measured from the outside of pipe, and

ii. a minimum of two feet (2'), as measured from the top of pipe, of select fill containing up to fifteen percent (15%) fines passing #200 sieve with a maximum size of four inches (4").

Attached [see Appendix] please find the District's "Pipe Trench Backfill Detail" and "Trench Sections".

The drawings do not include a detail for the connections to existing manholes on Carroll Drive, Marget Ann Lane and Grandview Avenue. Attached [see Appendix] please find District's "Sewer Connection to Existing Manhole" detail.

Response 3.10-26: *These details are now shown on the currently proposed plans and comply with the Rockland County Sewer District's construction standards.*

Comment 3.10-27 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): The sewers within this project will connect directly to the District's sewer main on Grandview Avenue.

a. A hookup permit must be obtained from the District, prior to starting the sewerage portion of this job. Details for connecting to the District's sewer must be approved prior to construction.

b. The contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed on our facilities.

c. As-built drawings for any extensions to the mainline sanitary sewers within the District must be submitted to Rockland County Sewer District No. 1 upon completion of the project.

Response 3.10-27: *According to the project engineer, a hookup permit will be applied for, the required insurance will be obtained, and the above-referenced*

waiver will be signed prior to construction. In addition, the above-referenced as-built drawings will be prepared and submitted following construction.

Comment 3.10-28 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): Rockland County Sewer District No. 1 requires sanitary sewer construction to conform to District standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approve certification of test results from a licensed professional engineer before approving the sewers on this project.

Response 3.10-28: *Sewer testing will be performed as required following construction.*

Comment 3.10-29 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction be in accordance with the District's standards. The District's standard details require the joints to have butyl rubber seals with mortar in and out, and then to be coated with "Infi-shield" EPDM rubber seal wrap or approved equal.

The "Sanitary Manhole Detail" on Drawing No. 6 does not conform to District standards. The non-conformities include but are not limited to the specification of the frame and cover, the absence of Infi-Shield®, and the bedding specification. Attached please find the District's "Precast Standard Manhole Section", "Doghouse Manhole Detail" and "Manhole Frame & Cover" detail.

Response 3.10-29: *The Rockland County Sewer District's standard details will be included in the final subdivision plans. The sanitary manhole detail will be revised to conform to the District's standards.*

Comment 3.10-30 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): We request that submission of as-built drawings of the proposed sanitary sewer extension to Rockland County Sewer District No. 1 be made a condition of granting a Certificate of Occupancy.

Response 3.10-30: *Comment noted.*

Comment 3.10-31 (Joseph LaFiandra, County of Rockland Sewer District, Letter February 23, 2006): Details for the sanitary sewer connections are subject to approval by the Town of Ramapo.

Response 3.10-31: *A sanitary sewer analysis has been submitted to the Town of Ramapo Engineering Department for review and approval.*

A copy of the sewer analysis is on-file at the offices of the Lead Agency. Correspondence from the Town of Ramapo DPW has been received indicating that there is adequate capacity in the Town's sanitary sewer system (see Appendix A).

Comment 3.10-32 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): In a July 6, 2005 letter, Andrew Schlissel, Chief of the Monsey Fire

District, stated, "We would oppose the approval of this subdivision if clear access were not provided from South Parker Drive." Chief Schlissel goes on to say that clear access via South Parker will considerably reduce response time in the event of a fire. As stated above, this department prefers the cluster layout plan. Only two accesses are proposed under this plan. We strongly concur with Chief Schlissel that a second access is necessary. A subdivision of this size warrants two distinct points of entry for emergency access purposes, provision of municipal services and the safe and efficient movement of the residential population.

Response 3.10-32: *Comment noted.*

Comment 3.10-33 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): The Rockland County Health Department issued their comments on the water supply section of the DEIS on January 6, 2006. The applicant must comply with the conditions outlined in this letter.

Response 3.10-33: *In response to Mr. Miller's letter dated January 6, 2006, the project engineer notes that the estimate for domestic water use has been increased to 21,600 gallons per day (gpd) for the entire subdivision upon full buildout. This figure is based upon water demand of 450 gpd per home, which is a conservative figure in the project engineer's opinion. In addition, the proposed subdivision design does not reflect the "extensive nature of landscaping and irrigation systems that typify such developments," as suggested by Mr. Miller. The Weinberger Subdivision proposal seeks to maximize the preservation of existing trees and to minimize proposed lawn areas. Homes within the proposed subdivision will not be marketed to purchasers seeking expansive lawn areas, according to the project sponsor.*

United Water of New York has initiated an engineering evaluation to demonstrate their ability to serve the proposed subdivision.

For revised calculations, please refer to the Water Consumption Summary Table 3.10-1 and Summer Sprinklering Demand Analysis which appear in response to Comment 40 above.

The limitation on expansive lawn areas will be implemented by the Village Engineering Consultant who will verify that Plot Plans submitted for building permits are in substantial conformance with the limited lawn areas presented in the Approved Subdivision Plans.

Tree preservation will be reviewed in detail prior to Final Subdivision Approval. The project sponsor has contacted United Water NY. A copy of United Water NY's engineering evaluation is included in the Appendix.

Comment 3.10-34 (Salvatore Corallo, County of Rockland Department of Planning, Letter February 24, 2006): In a letters dated April 28, 2005 and February 23, 2006, the Rockland County Sewer District No.1 points out that the proposed subdivision lies within a United States Environmental Protection Agency (EPA) designated Environmentally Sensitive Area (ESA). A waiver of the EPA's grant condition that restricts sewer connections from ESA lots must be obtained prior to connecting any building to sanitary sewers. A sewer application cannot be approved until the NYS DEC and the EPA approve the waivers. Section 3.10.10 of the DEIS

does not mention the ESA designation or the waiver requirement. The applicant must comply with all of the conditions in the Sewer District's April 28, 2005 and February 23, 2006 letters.

Response 3.10-34: *The ESA waiver application process shall be initiated once the Planning Board has selected a preferred alternative. All conditions in the Sewer District's April 28, 2005 and February 23, 2006 letters shall be complied with.*

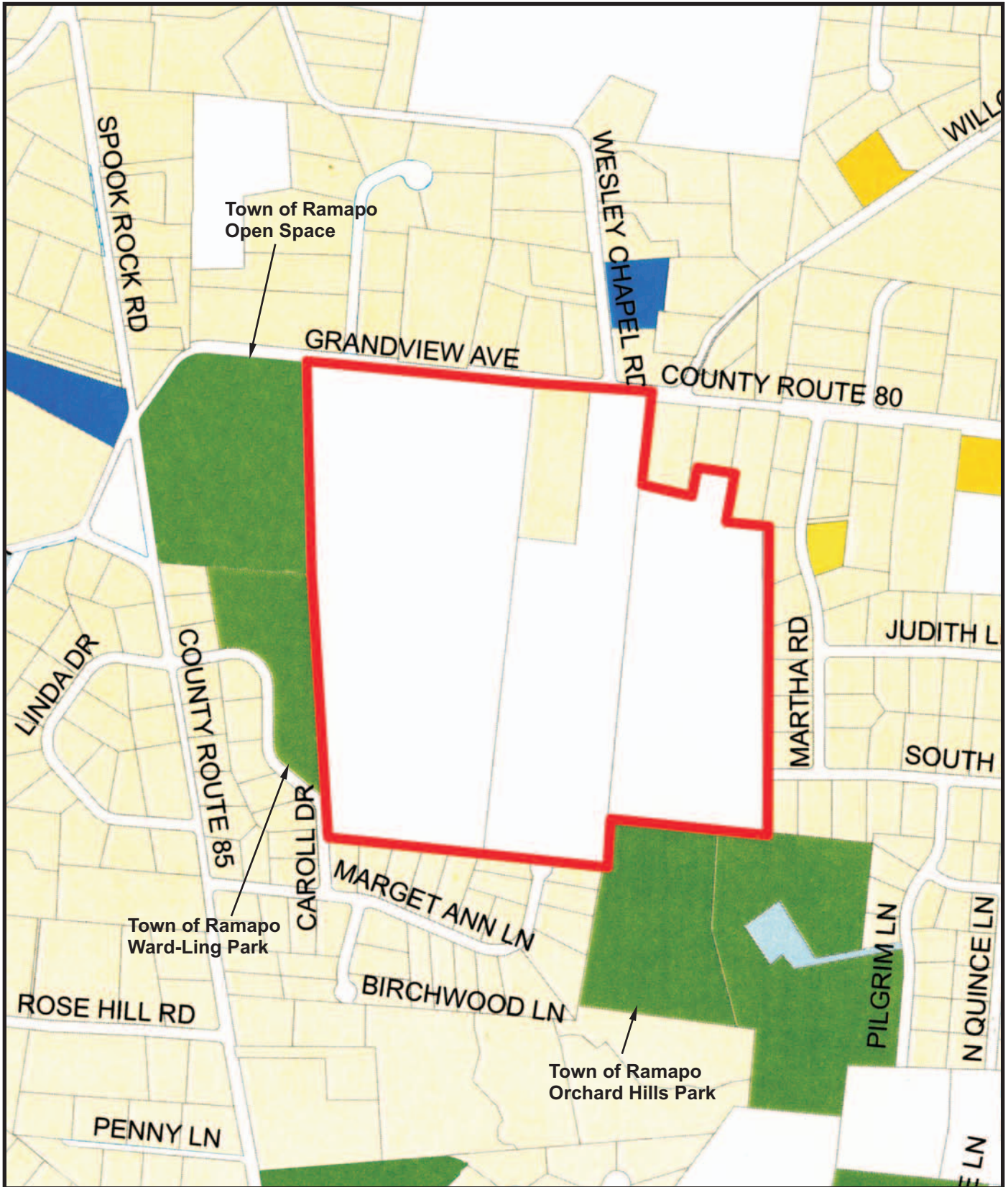


Figure 3.10-1: Adjacent Parkland, Open Space and Land Use
 Weinberger Subdivision FEIS
 Village of Montebello, Rockland County, New York
 Source: Rockland County Dept. Of Planning GIS Data
 Scale: Graphic

4.0 ALTERNATIVES COMMENTS AND RESPONSES

The Cluster Layouts shown in Figures 1-2 through 1-5 are preferred over the Standard Subdivision Layout due to the preservation of open space and reduced level of environmental impacts to open and scenic vistas, wetlands, water bodies and non-protected flora and fauna that would result from construction of these layouts in comparison to the Standard Subdivision Layout. The four Cluster Layouts differ principally in their access configurations at South Parker Drive and Grandview Avenue with one having two points of access from Grandview Avenue and one point from South Parker Drive (Figure 1-7), a Cluster Layout with emergency access gates at and near South Parker Drive (Figures 1-5 and 1-6) and a Cluster Layout with a resident through connection to South Parker Drive and only one connection to Grandview Avenue (Figure 1-2).

In all cases, these alternatives include smaller lot sizes in order to leave as open space an area proposed for four homes under the Standard Layout that would have been accessed from a short cul de sac off of Carol Drive in the southwestern corner of the site and would have potentially impacted the open and scenic nature of this area; potentially impact a stream and wetlands; and significantly reduce a corridor linkage between open undeveloped area to the east and west that are currently protected as Town Open Space and undeveloped parkland. This allows for the elimination of a stream crossing and construction of impervious, paved surface area associated with this cul de sac. Further, the cluster layouts also protect much of the on-site wetlands by dedicating them to the Village as open space. As indicated in Table 1-1, this reduces the total amount of proposed impervious surface on the site from 28.03 acres under the Standard Layout to 23.72 acres. The amount of upland wooded area that is preserved on the site is increased with the Cluster Layout from 44.98 acres under the Standard Layout Plan to 49.71 acres. The habitat value of the upland area is enhanced by its proximity to the site's wetlands for species that require or benefit from both a wet and dry environment.

These Cluster Layout Plans also provide greater protection of wetlands. In each of the Cluster Layouts, the amount of wetland disturbance is reduced from 0.18 acres to 0.11 acres. In addition, the rear yards of approximately one dozen of the proposed homes under the Standard Layout contain wetland area, increasing the likelihood that residents may wish to undertake improvements on these portions of their lots in the future. Under all of the Cluster Layouts, the depths of rear yards in the vicinity of onsite wetlands is reduced to avoid including wetland area within residential lots, thereby reducing the potential for future improvements in these areas by the homeowners.

Finally, these layouts provide a large area of open space for protection by dedication to the Village of Montebello. This 23.85-acre open space parcel is generally located on the southwest portion of the project site and provides an open space connection between the Town of Ramapo's undeveloped Ward-Ling Park, recently acquired and protected wetlands at the corner of Grandview Avenue and Spook Rock Road and the undeveloped rear portion of Orchard Hills Park. No such dedicated open space is provided in the Standard Layout as private ownership of the entire project site is required to arrive at the 48-lot density under conventional zoning.

By allowing for greater preservation of open space and environmental features and by providing a connection between existing undeveloped and protected open lands, the Cluster Layout alternatives also provide a greater degree of consistency with recommendations of the Village

of Montebello Comprehensive Plan, which designates much of the area for Conservation Overlay zoning.

Comment 4-1 (John F. Lange, Frederick P. Clark Associates, Inc., Letter January 10, 2006): The scoping document limited the analysis to only two base alternatives in the Village's approval. Without the ability to have evaluated other reasonable alternatives, the Town is confronted with choices that do not provide the maximum environmental protection for its resources. The lack of other reasonable alternatives represents a serious flaw in the execution of the SEQR process, and hampers the effectiveness of this response.

Response 4-1: The Applicant's preferred alternative of the alternatives with access to South Parker Drive is the Cluster Layout. However, two layout plans -- a Standard Layout and a Cluster Layout -- were evaluated in the DEIS at a level of detail commensurate with the evaluation of the Proposed Action so that the Planning Board could have similar detailed levels of information necessary to select the Proposed Action. The determination that the Cluster Layout is preferable as the Proposed Action, as claimed by the Project Sponsor, must be made based on a comparison of impacts with the Standard Layout. Selection of one of these, either the Standard Plan or one of the suggested Cluster Layouts, is to occur as part of SEQR Findings. For this reason, two plans were analyzed as options for the Proposed Action in the DEIS. However, detailed additional alternatives were evaluated in Chapter 5.0 of the DEIS. These include the No Action Alternative, the No Build Alternative, an Alternative with a Modified Road Layout, and Alternative with No Connection to South Parker Drive (impacts of the Standard and Cluster Layouts were also presented for comparison purposes in Chapter 5.0). These alternatives were identified during the public scoping process. Comparative data and qualitative descriptions are provided in Chapter 5.0 in accordance with requirements of SEQR. As noted in Chapters 1.0 and 3.6, based on the analysis of the submitted layouts of the DEIS, the Lead Agency requested that the Project Sponsor provide an additional alternative cluster layout with two connections to Grandview Avenue and a connection to South Parker Drive for analysis.

Comment 4-2 (John F. Lange, Frederick P. Clark Associates, Inc., Letter January 10, 2006): Although the DEIS focuses on two alternatives, it appears that one alternative described in Section 5.1.2 as the No Discretionary Approvals Alternative, was not effectively evaluated or was dismissed prematurely. In this alternative, the applicant could create complying lots and not require discretionary action by the Town or Planning Board. No details regarding the number of units were provided for this layout, other than to say that the number of single family homes would be reduced to the extent that the applicant would not be able to meet his goals for this property. That rationale is not sufficient for rejection and this alternative should have been provided as a gauge against the costs and benefits of the other alternatives.

The evaluation of this alternative does state that "construction of this alternative would result in lower levels of environmental impacts in comparison to the currently proposed action of a residential subdivision of 48 lots". Each impact is estimated to be reduced by approximately 35% with no impacts to wetlands and water courses. Based upon this description, reducing the number of lots by 35% would yield a 32 lot subdivision with no environmental impacts and no traffic impacts. At face value, this alternative merits further consideration.

Response 4-2: *The Standard Plan provides complying lots, and only minor waivers by the Planning Board were indicated as likely to be forthcoming when the 48-lot density yield was determined for development of Cluster Layouts. This 48-lot yield has withstood the more detailed analysis of the Planning Board's Lead Agency SEQRA review. No Town Board discretionary action is required. The statement in this comment that the No Discretionary Approvals Alternative would have no environmental impacts and no traffic impacts is not substantiated. The DEIS indicates that it would have reduced impacts. The DEIS also states, and the Lead Agency affirms, that a 35% reduction in site density would not be a reasonable alternative considering the objectives and capabilities of the Project Sponsor. This is a sufficient rationale under SEQRA (see NYCRR 617.9(b)(5)(v)).*

Comment 4-3 (Marjorie Rothenberg, Public Hearing, January 10, 2006): An alternative with no access to South Parker Drive would not be desirable because it would place all site generated traffic on Grandview Avenue. The Cluster Alternative should be the preferred alternative.

Response 4-3: *Comment noted.*

Comment 4-4 (Fred Newmark, Public Hearing, January 10, 2006; Nat Klein, Public Hearing, February 15, 2006): What can be done to address concerns that there should be no vehicular access to the site from South Parker Drive?

Response 4-4: *The Planning Board must take into account the Fire Department's concern that any option under consideration must include full, unimpeded access, the Police Department's request that there be no locked gates between the neighborhoods, and the Village's Subdivision regulations that require a cul-de-sac serve no more than fourteen families.*