SEQR
State Environmental Quality Review
Findings Statement
Adopted February 13, 2007

Pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 (State Environmental Quality Review, "SEQR") the Village of Montebello Planning Board, as Lead Agency, makes the following findings.

Name of Action: Weinberger Subdivision

Description of Action: Proposed subdivision of an 84.25-acre property into not more than 48 single-family lots. The lots will be served by United Water New York and Rockland County Sewer District No. 1. The project sponsor proposes to construct new roads to serve the lots and dedicate them to the Village of Montebello. Under standard zoning, the proposed lots will be not less than 50,000 square feet in area. The project sponsorhas proposed, however, that cluster development be applied to the project. The Village Board has authorized the exploration and use of cluster development, but has not mandated same. Under the applicant's cluster proposal, lots would range from 35,000 square feet to approximately 74,000 square feet. The Planning Board has reviewed the environmental impacts under both standard and cluster development as well as several road-layout and other alternatives.

Location: South of Grandview Avenue, east of the intersection of Spook Rock Road and Grandview Avenue. Property is described on the Town of Ramapo tax rolls as tax lots:

- Lot 5, Block 2, Section 41.13 (39.6 acres)
- Lot 6, Block 2, Section 41.13 (3.9 acres)
- Lot 5, Block 1, Section 41.17 (20.1 acres)
- Lot 6, Block 1 Section 41.17 (20.65 acres)

Lead Agency: Village of Montebello Planning Board

Date Final EIS Filed: November 15, 2006

The purpose of this Findings Statement is to set forth the rationale for the Lead Agency's determination on the proposed Subdivision now being considered by the Planning Board. These Findings set forth the relevant Environmental Impacts, Facts and Conclusions disclosed in the EIS, upon which the Lead Agency has relied in support of its decision. Additionally, this Findings Statement sets forth the manner in which the Lead Agency has carried out its duty of weighing and balancing the relevant environmental impacts with social, economic and other considerations, in making its decision. Finally, the Findings Statement identifies those mitigation measures that are practicable.

A. SEQR Procedural History:

On April 8, 2005, the Village of Montebello Planning Board received a complete application for the proposed subdivision including a Full Environmental Assessment Form. On April 15, 2005, the Planning Board filed a notice of intent to assume lead agency status. On May 17, 2005 the Village of Montebello Planning Board assumed lead agency status and filed a Positive Declaration of Environmental Significance requiring an Environmental Impact Statement to be prepared and issued a Notice of Public Scoping. The Public Scoping Session was opened on May 10, 2005 and continued to June 14, 2005. The Planning Board adopted a Final Scoping Document for the DEIS on June 14, 2005.

On or around August 25, 2005, the Project Sponsor submitted a Draft Environmental Impact Statement DEIS, for consideration. The Planning Board informed the Project Sponsor that the DEIS was not adequate for public review with respect to scope and content on October 11, 2005 and directed the Project Sponsor to revise the document.

A second DEIS was submitted for consideration on November 4, 2005. This submission consisted of several revised pages, but was missing several components such as figures, maps, and drawings and had not adequately addressed all previous comments. Additional material was submitted on November 15, 2005, but items still remained outstanding, including sight line drawings and a tree survey, among other items. Outstanding materials were received on November 29, 2005 and on December 13, 2005 the Lead Agency filed a Notice of Completion of DEIS and a Notice of SEQRA Hearing. 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.

The Lead Agency and project sponsor agreed that the project sponsor would prepare a Final Environmental Impact Statement (FEIS) on behalf of the lead agency. Draft versions of the FEIS were submitted by the Project Sponsor on May 25, 2006, June 28, 2006, and September 12, 2006, but the drafts were found to be missing requested material and required revision to adequately portray the Lead Agency's perspective. Additional material and several revisions to the document were received between September 12 and October 10, 2006, during which time the FEIS was made acceptable to the Lead Agency. A notice of completion of FEIS was filed on November 15, 2006 and a public hearing on the FEIS was held on December 12, 2006.

In accordance with SEQR regulations, at least 10 days has now passed since the filing of the FEIS.

Having thoroughly considered and reviewed the draft and final EIS, the comments raised at the public hearing and during the public comment period from involved and interested agencies, members of the public and the Planning Board's consultants, the Planning Board relies on the following facts, conclusions and specific findings.

B. Existing Site Conditions

The Weinberger Subdivision is proposed for a site located in the northwestern portion of the Village of Montebello in the Town of Ramapo, Rockland County, New York. The project sponsor, George Weinberger, is proposing to subdivide an 84.15-acre parcel of property into 48 residential lots. The project site is located south of Grandview Avenue, east of Spook Rock Road, north of Marget Ann Lane and west of South Parker Drive.

The project site is undeveloped except for an existing single family home with access from Grandview Avenue. The boundary between the Village of Montebello and the Village of Wesley Hills is located along Grandview Avenue to the north and coincides with the eastern project boundary. The parcel is zoned RR-50, which allows single-family homes on lots of 50,000 square feet.

The project site is currently mostly wooded with wetland areas dominating the western side of the lot regulated by the Village of Montebello, the New York State Department of Environmental Conservation, and the US Army Corps of Engineers. The site also contains a watercourse regulated by the Village of Montebello.

The western border of the site abuts the undeveloped 6.4-acre Ward-Ling Park and open space lands of the Town of Ramapo, with Spook Rock Road located further to the west. The eastern and southern edges of the site each abut approximately six single family homes. The rear undeveloped portion of the Town of Ramapo's Orchard Hills Park is located adjacent to the southeastern corner of the site. A utility easement crosses the site on its southern end. This existing 50-foot wide Home Gas Company Transmission Easement does not contain any active utility lines and the project sponsor and/or the pipeline owner will extinguish the easement and remove or remediate any utility infrastructure.

C. Agency Actions Necessary to Implement Action:

The proposed project will require discretionary permits and approvals from local and state 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
Montebello, New York 10901

Acceptance of Dedicated Lands, Public Streets, Utilities and Easements

Village of Montebello Board of Trustees
Village of Montebello
One Montebello Road
Montebello, 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
- Fire District, Monsey Fire Department
- 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

D. Alternatives Considered

In accordance with SEQRA 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 was provided in the EIS. Seven alternative development scenarios were considered including the project sponsor's preferred plan. Each alternative included a full or comparative consideration of potential impacts, including geology, soils and topography; water; wetlands; noise and air quality; terrestrial and aquatic resources; traffic and transportation; land use and zoning; visual resources; cultural resources; and community services.

The following alternatives have been evaluated for the Weinberger Subdivision.

- No-Action (No-Build) Alternative
- No-Action (No Discretionary Approvals) Alternative
- Standard Layout Plan
- Cluster Layout Plan
- Alternative Cluster with Modified Road Layout
- Alternative with No Connection to South Parker Drive
- Cluster Layout with Two Grandview Avenue Connections and Connection to South Parker Drive

D.1. No-Action (No-Build) Alternative

The No-Action (No-Build) Alternative is effectively an alternative in which nothing is built on the site. The SEQR regulations require that this alternative be evaluated. The No-Build 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. Under the No-Build Alternative, no grading or disturbance to soils or topography would occur. There would be no increase in water runoff. There would be no disturbance of the on-site wetlands but the wetlands would remain in private ownership. Noise and Air Quality would be maintained at existing levels, and there would be no disturbance to terrestrial and aquatic resources. Traffic in the area would continue to grow at existing background levels and no roadway connection through the project site from Grandview Avenue to South Parker Drive would be

established. There would be no impacts to land use and zoning, visual resources, cultural resources, or community services.

Given the viability of this site for development under the existing zoning regulations of the Village and as described in the Village's adopted Comprehensive Plan, the No-Build Alternative would not be a reasonable alternative considering the objectives and capabilities of the Project Sponsor.

D.2. No Action (No Discretionary Approvals) Alternative

The No Action (No Discretionary Approvals) Alternative differs from the No-Action (No-Build) Alternative in that it describes a development that adheres strictly to established zoning, subdivision and other adopted land use policies without requiring waivers. The site could be developed with a use and layout that would not require any discretionary approvals. 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 and therefore would result in lower levels of environmental impacts in comparison to a 48 lot subdivision that could be achieved with only minor discretionary approvals (stream permits). No impacts have been identified that would require a reduction in unit count in order to be adequately mitigated. The withholding of a stream permit would not provide greater protection to the on-site watercourse than would be provided with its issuance.

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 for excluding consideration of an alternative under SEQRA (see NYCRR 617.9(b)(5)(v).

D.3. 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. Although minimum lot areas are exceeded in some cases, due to the prevalence of on-site wetlands, the Standard Layout is believed to be representative of the greatest number of lots that can be achieved on the site under existing zoning.

The Standard Layout Plan for the project conforms to 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 culs de sac. 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 project sponsor has adequately demonstrated that an equal number of lots could be achieved without application of these waivers.

A stormwater management area spans the rear portions of four lots (Lots 3, 4, 9 and 10). Under this alternative, a declaration of restrictive covenants and easements would stipulate that there can be no construction or alteration of the detention basin and specify the responsibilities for maintenance of the detention basin. As an alternative, easements to these detention basins could be transferred to the Village of Montebello. The plan includes easements on Lots 9 and 10 to allow for maintenance access to the stormwater management area. An access driveway comprised of crushed stone is proposed along the common lot line of these two lots.

The curvilinear road system of this layout avoids wetland areas located primarily on the western side of the site, and comprises 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 Caroll Drive. Development of the individual lots is possible with minimal disturbance of wetlands.. Under this alternative, however, there must be disturbance of Spook Rock Brook, a trout-supporting (C(t)) stream.

The Standard Layout Plan is consistent with the Village's recommended Land Use Plan from its adopted 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 minimizing impacts to on-site wetlands and water courses.

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 making the project 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 to reduce proposed grading around the homes by lowering the homes and adjacent lands. Limits of clearing have been substantially reduced by this practice. The earthwork has also been balanced by accounting for basement excavation thereby minimizing the amount of material that would need to be exported from the site by truck.

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 which were identified as important in the Village Comprehensive Plan.

The drainage system was modified to re-route and pipe an existing drainage ditch (the Martha Road ditch) to the south for discharge to an onsite stream. Homes that face Grandview Avenue that were proposed as near 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 of these homes will not face Grandview Avenue.

D.4. Cluster Layout Plan

The Cluster Layout Plan contains the same number of dwellings as the Standard Layout Plan, (48 single-family detached 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 the undeveloped Ward-Ling Park and the undeveloped rear of Orchard Hills Park. This is the preferred plan of the Project Sponsor, although the Project Sponsor has clearly indicated a desire to avoid a full-time connection to South Parker Drive in order to respond to the concerns of residents along South Parker Drive; the full-time connection is shown on the cluster layout..

The Cluster Layout Plan proposes lot sizes ranging from approximately 35,000 to 40,000 square feet in size, with a few being nearly two acres in gross lot area. The Cluster Layout proposes 4,900 linear feet of roadway, which is less than proposed under the Standard Layout Plan.

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 in order to achieve a greater preservation of open space and reductions in the amount of impact to wetlands and other natural features. A large area of preserved open space dominated by wetlands on the western portion of the site is proposed for dedication to the Village subject to conditions of the Village related to ownership, use and maintenance of this area. The Cluster Plan is also 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.

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, (Resolution 04 of 2005) for use of Average Density provisions for the Weinberger Subdivision.

The Project Sponsor proposes to access each lot from an internal road system, with two access points from Grandview Avenue along with access from South Parker Drive.

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 rather than an easement as is proposed under the Standard Layout Plan.

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

Revisions to the Standard Layout Plan described above that have been made since the DEIS are also reflected in revised plans for the Cluster Layout and all other proposed layouts.

This alternative would result in reduced impacts to the project site from grading and disturbance of soils and topography. Disturbance of wetlands or their regulated areas would also be reduced under the Cluster Layout Alternative as would disturbance of terrestrial and aquatic resources. This layout would also reduce disturbance near Caroll Drive resulting in fewer noise and aesthetic impacts to this established neighborhood and maintaining the open and scenic nature of the Conservation Overlay District in this area.

D.5. 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 blocking full access from the majority of the proposed internal road system to South Parker Drive. Instead, 11 of the proposed homes take access from a cul-de-sac extension of South Parker Drive and would not be accessible from the Grandview Avenue site entrances. The emergency access gate would prevent through-traffic from South Parker Drive directly accessing the site and vice versa. 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 and proposed interior site roadways, but potentially slightly higher levels using Martha Road since an estimated 65 percent of residents gaining access from South Parker Drive would travel up Martha Road toward Spook Rock Road.

The Monsey Fire Department and Town of Ramapo Police Department both strongly request an alternative that maintains 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. This alternative would therefore result in greater impact to Emergency Community Services.

The Village of Montebello Subdivision Regulations indicates that a cul-de-sac must serve no more than 14 dwelling units. Without the residents' roadway connection to South Parker Drive a single Grandview Avenue entrance would provide access for up to 37 homes. 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. Residents closest to the Grandview Avenue entrance will have to endure approximately 300 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 and would therefore be inconsistent with established land use and zoning policies. This is contrasted with the Cluster Layout Plan which provides a secondary full-time access to South Parker Drive to distribute traffic loads more evenly.

D.6. 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 Plan. 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 is equally unacceptable to emergency service providers and would increase impacts to Emergency Community Services.

It would also violate the Subdivision Regulation limit of 14 homes per cul-de-sac and would result in approximately 500 daily vehicular trips past the residents closest to the Grandview site entrance which is not consistent with standards for residential culs-de-sac and would therefore be inconsistent with established land use, zoning policies and roadway safety.

D.7. Cluster Layout with Two Grandview Avenue Connections and a Single Connection to South Parker Drive

The Cluster Layout with Two Connections to Grandview Avenue decreases the number of proposed homes on proposed culs-de-sac and onsite roadways. It distributes traffic most evenly among proposed cluster layouts and would be acceptable to emergency community service providers. 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 reduced R-35 dimensional requirements pursuant to Average Density zoning provisions as authorized by the Village Board 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 and one on South Parker Drive. Other than the additional access point to Grandview Avenue, environmental effects would be generally similar to those of the Cluster Layout.

E. Selected Alternative (Cluster Layout with Two Grandview Avenue Connections and a Single Full-Time Connection to South Parker Drive)

The Village of Montebello Planning Board as lead agency finds that the proposed Weinberger Subdivision Cluster Layout Plan with Two Grandview Avenue Connections and a Single Full-Time Connection to South Parker Drive minimizes or mitigates environmental impacts to the greatest extent practicable. It is consistent with the Village of Montebello Comprehensive Plan and is compatible with surrounding land uses.

The approval of the Selected Alternative will serve the public need and provide benefits by:

- Developing the land in harmony with adopted and established land use and zoning regulations and policies;
- Meeting a demonstrated demand for high quality housing in the Village of Montebello and Rockland County;
- Protecting the scenic and open nature of designated conservation areas by dedicating wetland and adjacent natural areas as open space;
- Complying with the development density recommendations set forth in the Village of Montebello Comprehensive Plan and the Rockland County Comprehensive Plan;
- Minimizing disturbance of wooded areas, wetlands and other natural features;
- Avoiding unnecessary alteration to existing pavement widths on Grandview Avenue and Spook Rock Road consistent with Comprehensive Plan recommendations for these historic roads;
- Providing an open space corridor extending from the Town of Ramapo's recently acquired protected open space at the corner of Spook Rock Road and Grandview Avenue, proceeding across the site in an area adjacent to the Town's undeveloped Ward-Ling Park to the undeveloped section of the Town's Orchard Hills Park.
- Avoiding disturbance to the Spook Rock Brook (C(t)) trout-supporting stream.

F. Impacts, Mitigation Measures and Specific Findings

As a condition of its approvals of the Preliminary Subdivision Plat the Planning Board shall require that the subdivision and other required approvals under its jurisdiction conform with and incorporate by reference the following mitigations listed below.

F.1. Soils, Geology and Topography

The site is located within the Triassic Lowlands of the New England Upland physiographic province and underlain by the Hammer Creek Formation. The site is characterized by gradual slope. No steep slopes (greater than 25 percent) are located on the site. The highest elevations on the project site are found along the eastern boundary and in the southeastern corner. The lowest elevations are located in a depression along the western property boundary. Watchaug fine sandy loam, Wethersfield gravely silt loam and Carlisle Muck comprise on-site soils. The Watchaug and Wethersfield soils exhibit seasonal high water in the winter and spring accordingly. Carlisle Muck soils are very poorly drained hydric soil with potentially apparent water table between September and June. All soils exhibit moderate to severe limitations on road and building site development.

Potential for soil erosion will be greatest during the initial site work and grading, when soils are exposed.

The Lead Agency finds that, of the reasonable alternatives considered, the Selected Alternative mitigates impacts to soils, geology and topography to the greatest extent practicable by avoiding construction on the site's least suitable soils, and by protecting these soils from future disturbance. The selected alternative also is designed in a manner that balances cut and fill and generally minimizes site excavation activity by adapting the development to the terrain.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby imposed:

F.1.a. Site work will adhere to a Soil Erosion and Sediment Control Plan prepared following the Guidelines for Urban Erosion and Sediment Control and approved by the Village Engineer.

F.1.b. Curb inlet sediment traps will be provided for all stormwater drains along the internal road network during construction.

F.1.c. Stabilized construction entrances with anti-tracking pads will be developed at Grandview Avenue and South Parker Drive if construction access from that right-of way is necessary. To the extent possible all construction access will be from Grandview Avenue.

F.1.d. The development will be phased in a manner that limits the area of disturbed soil at any particular time. The development will be constructed in four phases the first of which will be construction of site infrastructure including roads, the storm water management area, removal of gas pipeline and utility installation.

F.1.e. Clean surface water runoff from off-site or stabilized areas will be diverted through surface swales and erosion control barriers in order to keep clean water clean.

F.1.f. Silt fencing will be installed to surround all grading activities.

F.1.g. Silt fencing, or snow fencing if authorized by the Village Engineer, will be used to physically define the limits of work. Wooded and wetland areas not to be graded will be retained in the existing condition until the developed areas are completed and stabilized. Substantial buffers of existing vegetation will be provided along the perimeter of the site and near existing wetland areas.

F.1.h. In areas where work will not occur for periods longer than two weeks, soil stabilization by hydroseeding or mulching will be carried out within 48 hours of soil exposure.

F.1.i. Immediately following grading, level areas will be immediately seeded and mulched. Sloped areas, such as fill slopes will be seeded or stabilized depending upon weather conditions at the time of completion.

F.1.j. The steepness and length of slopes have been designed to minimize runoff velocities and to control concentrated flow. Where concentrated (swale) flow from exposed surfaces is expected to be greater than 3 feet per second, haybale or stone check dams will be installed in the swale. The check dams will be placed so that unchecked flow lengths will not be greater than 100 feet.

F.1.k. To protect disturbed areas from storm water runoff, haybale diversion berms and/or soil diversion berms and channels will be installed wherever runoff is likely to traverse newly exposed soil. Immediately following the clearing and stripping of topsoil, rough grading for the temporary and permanent swales and ponds will take place. The swales will direct runoff so that it can be checked or impounded.

F.1.l. Silt fences, hay bale check dams, filter strips, ponds, sediment traps (in areas where no ponds are proposed), and catch basin filters will be used to either impound sediment-carrying runoff and or to filter the runoff as it flows through an area. Silt fencing, augmented by haybale barriers installed on the upgradient side of the silt fencing, will be used wherever land disturbance occurs within 50 feet of wetlands.

F.1.m. All temporary erosion control devices will be installed prior to the commencement of construction, unless alternative phasing of erosion control device installation is authorized by the Village Engineer.

F.1.n. The permanent storm water management systems will be installed prior to or in conjunction with residential construction.

F.1.o. Erosion control measures will be inspected frequently, prior to and following storms, and when deemed necessary by the Village Engineer and/or site inspector. Measures will be repaired as needed to ensure that they function properly. In addition to inspections by Village representatives, the project sponsorwill be responsible for monitoring and maintaining the soil erosion and sedimentation controls.

F.1.p. The responsibility for the monitoring and maintenance of the Erosion Control Plan will be detailed in the project specifications or construction drawings and approved

by the Village Engineer. Monitoring shall only be performed by a N.Y. State Licensed P.E. or Certified Erosion Control Specialist. Oversight will be provided by the Village Engineer.

F.1.q. Foundation underdrains will be installed at all residences where below grade construction is proposed. Final subdivision plans will designate lot locations where dwellings can include basements. Where 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. 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. A system not relying on pumps will be chosen to the extent possible.

F.1.r. An original survey will be provided, signed and sealed by a New York State Professional Land Surveyor. A datum reference or conversion will be provided to NGVD 29 and NAVD 88. This will assist 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).

F.1.s. Floor elevations will be reviewed and approved by the Village Engineer at the time when Plot Plans are prepared for individual lots.

F.1.t. The final grading plan will locate building sites in a more natural at-grade design, while still maintaining positive drainage away from the living spaces and basements as shown on the conceptual grading plan included in the FEIS.

F.2. Water Resources

The site is located within the Mahwah River drainage basin. Surface water flows through the site from south and east to the north and west. Runoff on-site is currently conveyed to the on-site regulated wetlands, mostly through a drainage course originating at the Martha Road drainage outlet and through an intermittent stream originating at the Orchard Hill detention basin. These watercourses drain off-site developed areas to the east. Two perennial watercourses also flow through the site: Willow Tree Brook and Spook Rock Brook.

The Unnamed Intermittent Stream that drains the Orchard Hill detention basin is regulated by the Village of Montebello and the US Army Corps of Engineers (USACE). Willow Tree Brook is regulated by the Rockland County Drainage Agency (RCDA), the USACE and the Village of Montebello. Spook Rock Brook is regulated by the New York State Department of Environmental Conservation (NYSDEC) as a Class “C(t)” stream, the USACE and the Village of Montebello.

The proposed construction of 48 single family homes on lots sized between one and two acres would convert 8.19 acres of the 84.15-acre, mostly undeveloped parcel, to impervious surfaces. An additional 26.73 acres of the site would be regraded to create road embankments, lawns, landscaping and stormwater quality basins. All of these features would be revegetated as part of the proposed plan.

This alternative would result in seven crossings of the Unnamed Intermittent Stream and relocation of the drainage ditch. These crossings will require Wetland and Stream Protection Planning Board Permit from the Village of Montebello.

The selected alternative would include 7.92 acres of impervious surfaces. The proposed change in the perviousness of the site could potentially result in increases in the rate of runoff as well as the volume of runoff generated by this site.

Regrading for the creation of building sites and roads will result in minor changes to the drainage patterns of the site.

The introduction of impervious surfaces and residential uses will influence the quality of stormwater runoff compared to an undeveloped condition.

The Lead Agency finds that, of the reasonable alternatives considered, the Preferred Plan mitigates impacts to Stormwater Management to the greatest extent practicable by completely avoiding disturbance to the Willow Tree Brook and the Spook Rock Brook; properly piping and discharging existing runoff from Martha Road which currently erodes on-site soils; and including the implementation of both structural and non-structural best management practices to mitigate the potential impacts from the proposed development.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby incorporated:

F.2.a. All crossings of the intermittent stream will completely span the stream from top of bank to top of bank thereby resulting in no disturbance to the “bed or banks” under the USACE’s jurisdiction.

F.2.b. Installation of a stormwater management area and infrastructure will meet the State standards for no increase in the peak rate of runoff from the developed site, and 90% of the average annual runoff will be treated for water quality.

F.2.c. Increases in stream temperature and pollutant loading due to runoff from impervious surfaces will be mitigated in the proposed stormwater management system so as not to impact the stream’s potential as habitats for cold water species such as trout.

F.2.d. The proposed plans shall comply with the requirements of the SPDES General Permit for Stormwater so that such potential impacts are mitigated prior to discharge into the receiving stream.

F.2.e. Stormwater basins will be designed to remove 80 percent of the remaining suspended sediment load after site stabilization.

F.2.f. Stormwater basins will employ a forebay, a permanent pool, a pond drain (unless determined unnecessary by the Village Engineer), and trash racks.

F.2.g. All proposed impervious surface areas will be graded so that stormwater drains to the proposed detention basins.

F.2.h. A double row of silt fence will be installed in locations where the topography slopes towards watershed property unless otherwise approved by the Village Engineer.

F.2.i. All proposed drain inlets will be provided with drain inlet protection during construction. Stone will be placed around the inlets to filter the sediment out of the runoff.

F.2.j. Stone check dams will be installed in all proposed swales to reduce erosion during construction by restricting the velocity of flow, unless otherwise approved by the Village Engineer. The check dams will be installed so that the crest of the downstream dam is at the same elevation of the toe of the upstream dam.

F.2.k. Vegetation will be cleared only from the areas under active construction. Following final grading, topsoil will be spread and the ground surface revegetated promptly using trees, shrubs, ground covers and grasses.

F.2.l. The project sponsorwill prepare a stormwater management plan that meets the goals of the New York State stormwater guidelines for the approved development plan. All tributary areas where perviousness has changed are being directed to stormwater management basins designed to store the increased volumes and discharge at a rate that is the same or lower than the existing condition. The Plan shall be subject to Village Engineer approval.

F.2.m. Forebay areas will be cleaned at the completion of construction, every 5 to 10 years at a minimum or as needed to perform their intended function. Catch basin sumps will be vacuumed every 2 to 5 years depending on loading rates. The proposed stormwater basins and roads will be offered to the Village upon completion of the project and the Village will be responsible for these maintenance tasks.

F.2.n. Permits will be obtained from the Rockland County Drainage Agency (RCDA).

F.2.o. The Village Floodplain Administrator (Village Engineer) will ensure that FEMA guidelines are met and enforced.

F.2.p. The proposed detention pond 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.

F.2.q. Roof drains for homes without basements will drain to leaching wells in order to maintain groundwater levels and to assist in meeting NYSDEC water quality requirements and zero net peak discharge requirements where determined practicable and beneficial by the Village Engineer based on soil testing that will be performed by the project sponsor in support of a leach field proposal.

F.2.r. 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.

F.2.s. As required by the Village Engineer and prior to final subdivision approval, where grades do not allow for conveyance of runoff to the detention basin, the basin will be appropriately oversized to over-detain as compensation for discharges that cannot reach the basin and separate facilities including recharge and supplemental detention structures will be used including drywells on homes with driveways that cross onsite streams.

F.2.t. Bridges over public roadways shall be designed to have a natural look, incorporating stone facades.

F.2.u. Bridges over private driveways shall be composed of materials to be approved by the Planning Board and specified on the final subdivision plans.

F.2.v. Common driveway crossings will be investigated with the Planning Board as a way to minimize the number of crossings to private dwellings and required as deemed necessary by the Planning Board. Circular driveways requiring more than one stream crossing are not permitted.

F.2.w. Erosion of the on-site Martha Road drainage ditch will be halted 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" Intermittent Stream.

F.2.x. Final subdivision plans will include grading plans for each stream crossing. Final design data will be provided to the Village and its 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.

F.2.y. 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.

F.3. Wetlands

One principal NYSDEC wetland area is located within the western portion of the project site totaling 15.08 acres with 12.43 acres of wetland adjacent area. The USACE jurisdictional wetlands total 15.86 acres and overlap NYSDEC regulated wetland areas in most instances. Wetland vegetation identified onsite included Red maple (Acer rubrum), American beech (Fagus grandifolia), American elm (Ulnus Americana), Spicebush (Lindera benzoin), Greenbrier (Smilax rotundifolia), Skunk cabbage (Symplocarpus foetidus), Poison ivy (Toxicodendron radicans), and moss species.

Proposed wetland and regulated wetland buffer encroachments are primarily associated with the construction of stormwater management areas. Lot lines have been adjusted to reduce the need for encroachment for the provision of yard area.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to Wetlands to the greatest extent practicable by disturbing significantly less wetland area and adjacent area than would be disturbed under the standard plan.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby imposed:

F.3.a. Prior to initiation of any excavation activities on the site, a temporary wire mesh silt fence will be erected around the portions of the wetland adjacent areas targeted for preservation and mitigation consistent with an approved Erosion and Sediment Control Plan. Hay bales with mirafi filter fabric will be placed along the entire length of this fence and pinned in place. The silt fence will represent the limit of excavation. The purpose of the hay bale sediment barrier is to retain sediment on site by retarding and filtering storm runoff. Regular inspections will be carried out to check the condition of all hay bales placed on the site. Bales will be replaced as required due to disintegration and/or decomposition. The silt fence/hay bale protection structure will also function as a visible limit to the project's excavation area and will be posted as such. Operators of equipment will be notified of the ramifications of ignoring this boundary line (i.e., fines and penalties imposed by authorized and responsible agencies). Snow fencing may be used to demarcate limits of disturbance where the Village Engineer determines it is acceptable or necessary.

F.3.b. Total USACE wetland disturbance will not exceed 0.10 acres without receipt of an individual or General Nationwide Permit 39 (NWP 39).

F.3.c. To compensate for the disturbance of wetland areas, mitigative measures will provide for the planting of native species. Plantings within the mitigation areas will be chosen based on the recommendations in the New York State Stormwater Management Design Manual (SMDM). The native plantings will provide both food and cover for wildlife.

F.3.d. Stormwater management areas will be designed and planted according to the New York State Stormwater Management Design Manual (SMDM) with native wetland vegetation to compliment adjacent freshwater wetlands. The management and maintenance design will be provided to the state for approval and compliance with applicable regulations.

F.3.e. Stormwater will be discharged adjacent to the wetlands and not directly into the wetlands.

F.3.f. A NYSDEC Freshwater Wetlands Permit is required for all proposed encroachments within the delineated boundary of the regulated wetland or within its 100

foot wide regulated area including implementation of the proposed on-site wetland mitigation program within the regulated area.

F.3.g. Any fill activity within ACOE-regulated wetlands will comply with federal wetlands regulations.

F.3.h. The project sponsorhas submitted a completed Village of Montebello Wetlands and Stream Protection Planning Board Permit for activities occurring within a wetland or 100 feet of a wetland boundary.

F.3.i. Approval of the Final Subdivision Plat will be conditioned upon receipt of an ESA waiver.

F.4. Noise and Air

The primary existing noise source audible from the project site is vehicular traffic on Grandview Avenue, Martha Road and Caroll Drive. Future residences will be most sensitive to noise associated with traffic on Grandview Avenue which at current levels is typical of residential neighborhoods.

The only significant potential noise impact would be noise that would be generated while construction activities are taking place. An existing Village law will govern construction noise limiting use of construction equipment or tools between 10:00 pm and 8:00 am on weekdays or any time on weekends and holidays, such that the sound creates an unreasonable noise across a residential property boundary. In addition, no construction equipment can be operated “at any other time such that the sound level at or across the real property boundary exceeds an L10 of 60 dBA for the daily period of operation.” An L10 is defined as the noise level exceeded 10 percent of the time. Impacts from construction activities will be temporary in nature. No long-term noise impacts are anticipated.

No potential long-term air quality impacts are anticipated. Potential short-term impacts may result from construction including fugitive dust and particulate matter from the project site and emissions from construction equipment and vehicles.

The Lead Agency finds that, of the reasonable alternatives considered, the Preferred Plan will mitigate impacts to noise to the greatest extent practicable by providing greater distances between construction activities and some residences to the south and southwest without decreasing distances between construction activities and residences to the north and west. Air quality impacts will be reduced by reducing the total area of disturbance.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby imposed:

F.4.a. Construction will comply with the Village of Montebello noise law.

F.4.b. No construction will occur after 4PM on Fridays.

F.4.c. All construction vehicles and equipment will be well maintained and operated in an efficient manner. In particular, the mufflers on all construction equipment will be fully functional and well maintained by the construction contractors.

F.4.d. The project will be phased to minimize the area of the site that is subject to disturbance at any one time.

F.4.e. Mulch or other temporary covers will be used on exposed soil areas.

F.4.f. Haul trucks will be covered to prevent dust emissions while they are in transit to a disposal site.

F.4.g. All debris will be thoroughly wet down before loading, or before being dumped into trucks or other containers, unless the Village Engineer or site inspector determines this measure is not necessary to mitigate air impacts.

F.4.h. During dry weather conditions water will be sprayed on unpaved areas subject to heavy construction traffic.

F.4.i. Paved areas will be kept clear of loose dirt that can be re-entrained into the air during vehicle passage.

F.4.j. Stone tracking pads will be installed at access points to the site.

F.4.k. Vehicle tires will be washed before leaving the construction site.

F.4.l. All vehicles entering or exiting the site with fill will be covered.

F.4.m. Particulate matter from diesel exhaust emissions will be controlled through proper engine tuning and maintenance of air pollution controls.

F.5. Terrestrial and Aquatic Resources

The project site contains three general vegetation types: second growth hardwood forest, landscaped areas and lawns including a small successional old field and mowed lawn, and forested and scrub/shrub wetlands. The forested portions of the site contain a large percentage of young trees, with little understory vegetation due to deer browsing. Larger and older trees are represented by three different species, oak, maple and hickory. The forested wetlands consist predominantly of red maple and American elm. The understory where it exists is a mix of red maple and American elm saplings along with areas of spicebush, American hornbeam and dogwood species. Scrub/shrub wetlands on the site support both live and dead red maple and red elms. Scrub/shrub wetland shrub layers include multiflora rose, red osier dogwood, spice bush, and pussy willow. The herb stratum varies throughout the different areas of the wetlands, with skunk cabbage, jewelweed, tussock sedges, cinnamon fern, sensitive fern and jack-in-the-pulpit.

A variety of small terrestrial animals were observed on the project site during site visits including rabbits, raccoons, squirrels, chipmunks. Various bird species were also noted on the site and deer were observed using the property. No rare or endangered wildlife species are known to inhabit the site or nearby areas. On-site observations are consistent with this assessment. Habitat for rare, threatened or endangered species is limited. Bog turtles were identified 15-20 years ago in the areas of the stream paralleling Grandview Avenue. None were reported during contemporary surveys of the site. Of potential habitat on-site, bog turtle habitat is unlikely and proposed development avoids disturbance to the regulated onsite wetland; eastern hognose snake habitat is possible on-site in stone walls and wooded areas, and this species will be able to adapt to sufficient suitable habitat that will remain if present; eastern worm snake habitat is possible on-site in moist wooded areas with sandy or rocky substrate, and this species will be able to adapt to sufficient suitable habitat that will remain, if present; eastern box turtle habitat is possible on-site in the wooded areas of this site and this species could continue to occupy open space areas of the site, although this species is susceptible to pesticide poisoning and collection as pets.

Upland vegetation will be removed, which will impact some of the wildlife habitat on this site. Site development would eliminate a portion of the available woodland, and wetland habitat and the entire successional old field habitat. Stone walls and watercourses will be impacted and approximately 7.92 acres of the site will be converted into impervious surfaces for roads, driveways and buildings.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to Terrestrial and Aquatic Ecology to the greatest extent practicable by reducing the extent of disturbance of forested and wetland habitat areas. Phasing of construction, establishment of a wetland-vegetated system to maintain stormwater quality, and preservation of a large area of open space further mitigate potential impacts. The open space area will provide a wildlife corridor between the undeveloped rear of Orchard Hills Park, the undeveloped Ward-Ling Park and the Town protected open space at the corner of Spook Rock Road and Grandview Avenue. The project will result in no foreseeable impacts to endangered or threatened species.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby imposed:

F.5.a. A review of the tree plan relative to the proposed limits of disturbance and approval of same will be conducted by the Village of Montebello concurrently with the final subdivision review.

F.5.b. The project will adhere to the Village Tree Preservation Law and only specified trees shown on the final, approved subdivision plan will be removed.

F.5.c. Grading will be minimized in areas where mature vegetation is very close to construction limits.

F.5.d. Loss of wetland habitat will be mitigated by planting of the stormwater management basins with herbaceous wetland vegetation.

F.5.e. Stonewalls will be preserved in place where possible and relocated where not. Additional stone walls will be placed to demarcate wetland adjacent areas to identify the boundaries of these areas to homeowners.

F.5.f. The stockpiling of materials will be planned for each phase to avoid disturbance of areas and trees that fall outside the approved limit of disturbance line.

F.5.g. The final subdivision plan will adjust proposed development and grading to preserve mature trees near the roadways or dwellings. Specifically, in consultation with the Planning Board the project sponsor will 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 now that the Planning Board has selected a preferred alternative.

F.5.h. The stormwater management areas will be stocked with minnows to reduce the addition of habitat available for mosquito breeding.

F.6. Traffic and Transportation

Existing turning movements at signalized and unsignalized intersections in the vicinity of the project site currently operate at acceptable levels of service with the exception of the westbound movement of Viola Road (East of Spook Rock Road) at Spook Rock Road during the a.m. peak hour.

Without the project, level of service at area intersections are anticipated to decline with unacceptable levels of service anticipated at the westbound movement of Carlton Road at Spook Rock Road during the AM peak hour; the westbound movement of Viola Road (east of Spook Rock Road) at Spook Rock Road during the AM and PM peak hours; the eastbound movement of Viola Road (west of Spook Rock Road) at Spook Rock Road in the AM peak hour; and the westbound movement of Grandview Avenue at Spook Rock Road in the AM peak hour.

The project is anticipated to generate 43 a.m. peak hour trips and 56 p.m. peak hour trips. This will not result in a further decline of level of service at any area intersection studied. Additionally, site accesses will operate at levels of service B or better. Adequate sight distance exists at all site accesses, although these sight distances could be enhanced with limited clearing of vegetation along Grandview Avenue. Any tree clearing required must be weighed against the Village and County Comprehensive Plan requirements that the historic character of Grandview Avenue not be impacted through widening of the right-of-way. Existing inadequate sight distances exist at the intersection of South Parker Drive and Forshay Road and at the intersection of Martha Road and Grandview Avenue.

The Comprehensive Plan requires that measures be included to provide pedestrians and/or cyclists with an area of travel on or adjacent to the roadway. The Comprehensive Plan encourages provision of pedestrian and bike trails to connect neighborhoods with other neighborhoods and with recreational areas. This plan recommendation must be considered against the environmental impacts of disturbing wetlands as well as the usefulness with connecting the subdivision with undeveloped parks or undeveloped areas of parks. The Comprehensive Plan encourages the use of traffic calming measures along residential streets.

Some neighboring residents, many living on Martha Road and South Parker Drive, have stated opposition to a full-time connection between the subdivision's internal road network and South Parker Drive citing the potential for increased traffic including commercial traffic that would impact the character of their neighborhood. Some oppose even a locked emergency-access-only connection favoring leaving South Parker as a dead end road. The Project Sponsor has expressed a preference for an emergency-access-only linkage at that location in order to respond to neighboring residents. The Police and Fire Department have stated that a full-time connection is required between the subdivision and South Parker Drive in order to adequately service the respective neighborhoods. The Village of Montebello Subdivision Regulations requires that no more than 14 residences be served by a cul-de-sac. Established Planning, Builder, Engineering and Traffic Engineering standards state that a cul-de-sac should not generate more than 200 daily vehicular trips, which would be generated under cluster layouts without a connection to South Parker Drive. Widely accepted planning theory promotes interconnectivity between neighborhoods for a number of reasons including promoting safe and rapid access in emergency situations; distributing local residential traffic more evenly over a residential area; providing alternative routes to support access when the collector is closed for maintenance or emergency; and promoting a sense of community as more preferable to a sense of segmented neighborhoods. Traffic impact analyses indicate that the proposed residences would add 16 trips to South Parker Drive during the peak hour of traffic, equating to an average of less than one car every 3 minutes and 45 seconds. Traffic impact analyses also indicate that site generated traffic would not result in a loss of level of service to South Parker Drive and that the neighboring roadways can safely support the increase in traffic. It is noted that South Parker Drive currently terminates at the site boundary with no cul-de-sac suggesting that South Parker Drive was approved as a temporary dead end with the intention to extend it onto the project site at a future date. A full-time connection with Martha Road and South Parker Drive would allow commuting residents of South Parker Drive and Martha Road bound for the New York State Thruway access to utilize the project site accesses on Grandview Avenue, which will be safer due to their adequate sight distances. Connection of roadways will also allow utility interconnection for redundancy and a looped water connection to prevent stagnation and increase pressures.

An alternative including connection of the proposed site roadways to the end of Marget Ann Lane was precluded from consideration at the time of DEIS scoping, since such an alternative would require disturbance of on-site wetlands and would not provide an

advantage that could not also be achieved with a connection to South Parker Drive which does not require wetland disturbance. Connection to Carrol Drive is considered under the Standard Plan as a means to access four lots. This connection is eliminated under alternative plans because it would require disturbance of the Spook Rock Brook that is designated as a trout supporting stream (C(t)) by the New York State Department of Environmental Conservation. The introduction of either road connections would also preclude the provision of an open space wildlife corridor linkage between the undeveloped area at the rear of Orchard Hills Park, the undeveloped Ward-Ling Park and the recently acquired Town of Ramapo Preserved Open Space at the corner of Spook Rock Road and Grandview Avenue.

The Rockland County Department of Highways has stated that it prefers a plan with only one curb-cut on Grandview Avenue.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to the greatest extent practicable by proposing development within the existing capacity of area roadways, by providing multiple site accesses for distribution of residential traffic and by providing interconnections with existing surrounding neighborhoods that will enhance public safety and promote the general welfare of the community and of existing and future area residents.

The Lead Agency finds that in order to mitigate potential impacts to the greatest extent practicable, the following measures are hereby incorporated:

F.6.a. Sidewalks or non-traditional pedestrian/cyclist facilities detailed in the Village Comprehensive Plan will be provided along at least one side of all subdivision roadways, unless the Planning Board finds that sidewalks are not required for pedestrian safety or the Village-wide pedestrian circulation network and that omitting the sidewalks will result in greater protection of the environment. The Planning Board will decide whether to require sidewalks and/or non-traditional facilities prior to approval of the Preliminary Subdivision Plat.

F.6.b. The Planning Board will review the costs and impacts of pedestrian/cyclist connections to the nearby undeveloped parks prior to preliminary subdivision approval and if significant, such paths will not be required to be developed by the project sponsor.

F.6.c. If the Planning Board believes that the traffic calming measures detailed in the Comprehensive Plan are required to discourage speeding, such traffic calming measures shall be employed in the design of the Preliminary Subdivision Plan including possibly narrowing lanes, reducing posted speeds, providing changes in roadway surface, and introducing crosswalks, bike trails and/or sidewalks.

F.6.d. The project sponsor will obtain all necessary permits from the Rockland County Department of Highways and the permit requirements of that department will be met.

F.7. Land Use and Zoning

The site abuts Grandview Avenue to the north the 6.4-acre undeveloped Ward-Ling Park and open space lands of the Town of Ramapo to the west and single family neighborhoods to the south and east. The undeveloped rear of the Town of Ramapo Orchard Hills Park is located adjacent to the southeastern corner of the site. The overall pattern of development in this part of the Village of Montebello and the adjacent Village of Wesley Hills is established, with low- density (1 dwelling unit to 0.6 or more acres) residential uses. There is an existing school on the north side of Grandview Avenue to the west of Spook Rock Road and an existing day care/early childhood learning center (Robbin Hill School) located north of the project site on Wesley Chapel Road opposite Thornbrook Lane. The proposed project is consistent with existing surrounding land uses.

The proposed project is consistent with the RR-50 zoning district. The cluster alternatives are consistent with the provisions of the Conservation Overlay District in which it is located. The cluster alternatives with access to South Parker Drive are consistent with the Village of Montebello Subdivision Regulations and the Comprehensive Plan. The standard layout is not consistent with the Comprehensive Plan as it proposes disturbance of areas designated for conservation. The cluster alternatives without access to South Parker Drive are not consistent with the Subdivision Regulations which limit the number of residences a cul-de-sac can serve. The proposed project is compatible with the Rockland County Comprehensive Plan.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to land use by developing the land in a manner consistent with existing surrounding land use, and existing land use plans, policies and regulations.

F.8. Visual Resources

The project site is located in a setting characterized by low-density single-family homes. Most of the site is wooded and there are no visually prominent features on the project site. Sections of stone walls exist in some locations and the Village of Montebello Comprehensive Plan identifies stone walls as important to community character. The Rockland County Comprehensive Plan identifies Grandview Avenue and Spook Rock Road as recommended countywide scenic and historic routes due to the presence of historic structures along their course. The County Comprehensive Plan indicates the presence of several nearby historically significant homes including Dutch Colonial, Federal, Revival and Victorian styles.

The Montebello Comprehensive Plan also identifies both Grandview Avenue and Spook Rock Road as Scenic and Historic Roads and recommends that such scenic roads reinforce the character of the Village and are characteristically narrow with a variety of edge conditions including trees, stone walls, combined with varied building setbacks. The Plan describes stone walls as the “signature road edge” of Montebello.

The Village of Montebello Comprehensive Plan recommends a number of measures to protect the character of the Village's historic and scenic roads, which have been considered in the design of the project.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to Visual Resources to the greatest extent practicable by preserving a portion of the site in its existing natural and open character and by proposing development in a manner compatible with existing surrounding development.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby imposed:

F.8.a. Tree cover and general width, including treeline, of Grandview Avenue shall be maintained except that vegetation within approximately 10 feet of the pavement edge, or as needed, will be removed to enhance sight distance.

F.8.b. The existing pavement width of Grandview Avenue shall not be changed as part of this proposed project.

F.8.c. Stone walls and rural wood fences will be maintained along the course of Grandview Avenue. Where interior stone walls are proposed for relocation, and where existing stone walls do not exist along Grandview Avenue, relocated walls will be reinstalled along Grandview Avenue or in other locations as deemed appropriate by the Planning Board.

F.8.d. In consultation with the Village Board, the Planning Board shall consider requiring the erection of unique new street signs along the site accesses at Grandview Avenue.

F.8.e. Concrete sidewalks shall not be installed along Grandview Avenue.

F.8.f. The impact of new road openings will be minimized by retaining mature vegetation in the vicinity of the opening, while allowing for proper sight distance.

F.8.g. Homes with lot lines abutting Grandview Avenue will be oriented with the front facade facing Grandview Avenue unless the Planning Board makes a determination that an alternative orientation will be more protective of the historic character of Grandview Avenue. All homes adjacent to Grandview Avenue will be subject to site plan and architectural review by the Planning Board.

F.8.h. Open garage bays should not be visible from Grandview Avenue.

F.8.i. Homes adjoining Grandview Avenue shall be of styles compatible with the historic structures already located on Grandview Avenue and Spook Rock Road. Where a home design is proposed that is not substantially in keeping with the historic character of the road or area historic buildings it shall be screened and set back to minimize its visual impact. This shall be determined at the time of site plan and architectural review by the Planning Board.

F.8.j. The Planning Board shall require site plan approval as a condition of preliminary subdivision approval for homes on lots abutting Grandview Avenue.

F.9. Cultural Resources

The Rockland County Comprehensive Plan identifies Spook Rock Road as a pre-Revolutionary road and Grandview Avenue as a roadway with a concentration of historic structures. There are five historic properties identified by this survey which are located along or near Grandview Avenue in the vicinity of the project site. Two of these properties are identified as Revivals and Victorian Periods, while the remaining three are from the Dutch Colonial and Federal Periods.

The Village of Montebello Comprehensive Plan identifies Grandview Avenue and Spook Rock Road as historic roads. The Comprehensive Plan recommends the preservation of the character of the Village's historic and scenic roads.

The area surrounding the site is characterized by a suburban settlement pattern featuring mostly post-World War II era single family homes located adjacent to roadways, interspersed by older residences and as-yet-undeveloped lots. No structures listed on, nominated for, or determined eligible for the State or National Register of Historic Places are located in the vicinity of the site. A nearby structure at the south end of Wesley Chapel Road may be a potentially eligible structure and was photodocumented as part of the project application.

Four sites of Native American occupation are listed in the New York State Museum (NYSM) files for this portion of the Mahwah River drainage basin within one mile of the study area. The flat, well-drained portions of the site have a potential for containing remains pertaining to smaller, seasonal camps occupied by indigenous populations.

Examination of historic maps and research into the historic sensitivity of the area depicts several structures have been located at roughly the location of the existing residence on the property including: two structures belonging to E.E. Taylor at roughly the location of the existing residence of the project site, just west of the southern terminus of Wesley Chapel Road during the nineteenth century. These buildings appear to have been razed prior to 1875. Another building, attributed to S. Rogers, is depicted on this nineteenth century map to the west along the tributary stream of the Mahwah River that crosses the project site. Field reconnaissance conducted in early August 2005 indicated that aside from the residence and associated outbuildings located near Wesley Chapel Road in the northeastern corner of the project site, there are no other structural remains or anomalies likely to indicate the presence of buried structures, or other cultural features on the project site.

A roadway and bridge abutment was identified on the property, along with dry-laid fieldstone walls. The road and bridge abutment appear to date from the post-1875 era.

Based on the above information, the northern portion of the site, in the vicinity of Grandview Avenue, may be seen as having an above-average potential for the

presence of subsurface historical cultural remains, with the rest of the property having a low potential for such remains. There is a potential for a portion of the project site to contain subsurface cultural resources as a result of occupation of seasonal camps by indigenous people or historic settlement. If there are remains they could be impacted by the proposed project.

A Phase 1B Site Identification Survey has been conducted as well as a Phase 2 study, both of which have been submitted to the New York State Department of Parks, Recreation and Historic Preservation.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to cultural resources to the maximum extent practicable by committing to design the site in a manner consistent with the Village Comprehensive Plan for protecting historic roads and by committing to meet State standards for any cultural resources discovered on the site during the Phase II study. Avoidance of disturbance of the wetland edges and the 75-foot minimum setback of dwellings from Grandview Avenue reduce the potential for disturbance of cultural resources.

The Lead Agency finds that already identified mitigation measures discussed in the Visual Resources section of this Findings Statement are adequate to mitigate remaining potential impacts.

F.10. Community Facilities and Utilities

F.10.a. Taxing Jurisdictions

The proposed project is anticipated to result in a marginal increase in net revenue to Rockland County, Rockland County Sewer District #1, Town of Ramapo, Monsey Fire District and Village of Montebello. Based on whether the project is occupied with families similar to those in recent subdivisions in the Village of Montebello or whether it is occupied with families similar to those in the older neighboring Martha Road subdivision, net revenue to the Ramapo Central School District may increase notably or decrease marginally.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to taxing jurisdictions to the maximum extent practicable by developing the site in a manner and for a purpose which will result in a small benefit to taxing jurisdictions overall and by otherwise mitigating identified impacts to community services as described further elsewhere in this findings statement.

F.10.b. Police Services

The proposed Montebello Weinberger subdivision would not result in a need for additional police manpower or equipment but that an alternative including limited access to the subdivision, including locked gates at South Parker Drive would not be acceptable to the Department.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to Police Services to the maximum extent practicable by developing the site with an unimpeded access to South Parker Drive.

F.10.c. Fire Protection Services

The proposed project will increase the existing need for the construction of a fire station in the vicinity of the proposed project. The Fire Department indicated that not providing direct unimpeded access from South Parker Drive would significantly increase the response time to the site.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to Fire Protection Services to the maximum extent practicable by developing the site with an unimpeded access to South Parker Drive.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby imposed:

F.10.c.(1) In the event that, for any reason, a full-time connection to South Parker Drive is not maintained, the proposed dwellings will be required to install residential sprinkler systems and smoke detectors.

F.10.c.(2) The buildings will meet the requirements of the New York State Uniform Fire Prevention and Building Code, and would also adhere to applicable regulations for the Town of Ramapo.

F.10.c.(3) Fire hydrants will be provided in suitable locations acceptable to the Town Fire Inspector and any comments of the Fire Inspector will be addressed by the Planning Board prior to Final Subdivision approval

F.10.c.(4) The Project Sponsor, understanding the need for a satellite fire station, has offered to contribute monies to the Fire District on a per unit basis (e.g., a per unit contribution for every dwelling unit that receives a Certificate of Occupancy) to purchase land or construct a fire station elsewhere than the project site. Given this offer, the proposed project will not increase the existing need for this resource. A reasonable amount for this per unit contribution shall be established by the Planning Board in consultation with the Fire District and project sponsor prior to Final Subdivision approval.

F.10.d. Ambulance and Hospital Resources

Based on information received, no project alternative was anticipated to impact ambulance services or hospital facilities.

F.10.e. School District Resources

It is uncertain whether the project will result in a significant number of school children. If the project is occupied in a manner similar to other recent Village subdivisions, the

project will generate approximately 53 public school children. If it is occupied in a manner similar to the older adjacent subdivision in Wesley Hills, the project is likely to result in only a few public school children with the majority of children attending private schools. Based on the hard look requirement of SEQR, the lead agency has considered 53 public school children as the larger of the potential impacts that is reasonably likely to occur.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to School District Resources to the maximum extent practicable by developing the site at densities consistent with existing neighborhoods and consistent with Comprehensive Plan policies.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby imposed:

F.10.e.(1) A total of not more than 12 certificates of occupancy (COs) shall be issued within 12 months of the first CO being issued. A total of not more than 24 COs shall be issued within 24 months of the first CO being issued. A total of not more than 36 COs shall be issued within 36 months of the first CO being issued. A total of not more than 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.

F.10.f. Recreational Resources

The Village Comprehensive Plan indicated an existing need for active recreational facilities to which future residents of the proposed project will contribute. No suitable land exists on-site to accommodate active recreation. Upland area in the southwest corner of the project site proposed for recreational use by the Project Sponsor is not suitable for active recreation due to surrounding wetlands and a stream course and its more environmentally important function 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. 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. 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.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to Recreational Resources to the maximum extent practicable by providing the Village with money in lieu of parkland to mitigate its contribution to the existing need for active recreational parkland.

F.10.g. Utility Services

Orange and Rockland provides electric services in the area of the proposed subdivision via existing power lines along Grandview Avenue and Spook Rock Road. The Town of Ramapo Public Works Department provides municipal refuse collection and disposal services within the Town. The Rockland County Source Separation law requires residents to separate recyclables from household trash. Recyclables are picked up from residences in "co-mingled" containers and transferred by contracted haulers to the Materials Recovery Facility at Town facilities in Hillburn, NY. Contractors then separate the materials and haul to recycling centers.

The current facility used for Town of Ramapo solid waste disposal has adequate capacity to handle waste generated by the proposed Weinberger Subdivision. All properties within the Town of Ramapo are taxed for solid waste disposal on a unit basis.

All power lines would be placed underground in the proposed subdivision in both the Standard and Cluster Layout Plans.

The project will use approximately 21,600 gallons per day of water. An additional 7,500 gallons could be required for irrigation in the summer.

Approximately 15,075 gallons of sewage will be generated daily. Current plant capacity is adequate to handle the anticipated sewage generated by the proposed Weinberger Subdivision.

The Lead Agency finds that, of the reasonable alternatives considered, the selected alternative mitigates impacts to Utility Services to the maximum extent practicable by developing the site in a manner acceptable to local Utility Providers.

The Lead Agency finds that in order to mitigate remaining potential impacts to the greatest extent practicable, the following measures are hereby imposed:

F.10.g.(1) Groundwater recharge will be incorporated into the proposed project as described in Water Resources section of this findings statement.

F.10.g.(2) The Village Engineer will verify that proposed home sites preserve the majority of natural wooded areas clearing only small yard areas, minimizing the need for landscaping that requires sprinklering and same shall be a condition necessary to the granting of a building permit for residential unit construction.

F.10.g.(3) The Rockland County Department of Health will review the detention basins and water main extension application and approve as a condition of Final Subdivision Approval.

F.10.g.(4) The Preliminary plat will contain a note stating that approval of the final plat will be conditioned upon receipt of an ESA waiver.

F.10.g.(5) Details for sanitary sewer construction must be shown on the Preliminary Subdivision Plan and shall conform to all requirements of Rockland County Sewer District #1.

F.10.g.(6) As built drawings shall be received by Rockland County Sewer District #1 and the District shall certify adequate construction of sewer infrastructure prior to issuance of any certificate of occupancy.

F.10.g.(7) Sanitary sewer connections shall be approved by the Town of Ramapo Sewer Department as a condition of Preliminary Subdivision Approval.

G. CERTIFICATION OF APPROVAL OF FINDINGS

Having fully considered the relevant environmental impacts, facts, and conclusions disclosed in the DEIS and FEIS for The Weinberger Subdivision project and in the entire record, and having weighed and balanced the relevant environmental impacts with the social, economic and other considerations set forth in this Findings Statement, and more fully evaluated in the specific findings on the preceding pages, the Planning Board of the Village of Montebello, as Lead Agency, hereby certifies that:

(a) The requirements of 6 NYCRR Part 617 have been met;

(b) consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Proposed Action minimizes or avoids adverse environmental impacts disclosed in the EIS to the maximum extent practicable; and

(c) Adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision the mitigation measures which have been identified in this Findings Statement.

These Findings, and all obligations set forth herein, shall be incorporated in any further approvals related to the Project and shall be deemed a part of any approvals given to the project;

These findings shall be filed with the Mayor of the Village of Montebello; the Village of Montebello Board of Trustees; All Involved Agencies as identified in the EIS; any Person who has requested a copy; and the Project Sponsor;

A Copy of the Findings shall be forwarded to and maintained by the Village Clerk of the Village of Montebello such that they are readily accessible to the public and made available on request.

Certified by the Village of Montebello Planning Board by Resolution adopted on February 13, 2007.

Al Rubin, Chairman

Date:

Montebello Village Hall

One Montebello Road

Montebello, NY 10901