

Appendix A

Public Hearing Minutes
and Comment letters

June 9, 1909

Supervisor St. Lawrence and members of the Town Board;

Last night, (6/8), I resisted my urge to address you publicly because I felt that what I had to say may have embarrassed you. Somehow, I feel like I get to see you people more than my family. But, that's O.K., they don't listen to me either!

Last Thursday I referred to issues like the quality of life and population density. Now I would like to address two other issues: perception and misperception. As to misperceptions, there were several. The first misperception was yours, Supervisor St. Lawrence, when you indicated to James Walsh, of the Journal News, that judging by the attendance there was a declining interest in this project. Nothing could be further from the truth! My wife and I have been fighting this project for seven years and we are prepared to fight it for another seven years, as are our friends and neighbors. Your misperception may have been caused by the venue in which this hearing was being conducted and that many of our spokespeople had to attend the Democratic Committee meeting in New City.

2.0-11

Another misperception was that there were only twice as many people speaking against this project. You must be aware that those few poor souls who expressed support for the project were so obviously solicited, (perhaps even paid), by the builder and his agents, that it was embarrassing. In addition, some of them didn't even live in Ramapo, or anywhere near the Patrick Farm. And then, Supervisor St. Lawrence, you are quoted as saying; "...that it's a much better project." Better than what? And better for whom? It almost sounds like you have already made a decision to grant this variance. I pray not.

2.0-12

2.0-13

Now I would like to turn to perceptions. You should all be aware by now that you are perceived by the members of this community, as well as the rest of Rockland County, as being in this builder's pocket. That is to say, that he owns you. Or, that you owe him some thing. (Notice that I do not refer to this person as a "developer", for in my mind he is a destroyer.) Further, there is a perception that you all owe your positions of office to that insidious and corrupt entity called "the block vote".

If any of the things I have said are true then this letter will mean nothing to you. If not, you have the ideal opportunity correct your image. JUST SAY NO!

Respectfully submitted,

Robert Solomon
28 Scenic Dr.
Suffern, NY 10901

TOWN OF RAMAPO
TOWN CLERK'S OFFICE
2009 JUN 10 P 1:17

June 30, 2009

LETTER # 2

Supervisor & Town Board

I have spoken many times on the subject of the comprehensive plan and the [redacted] but unfortunately I have not been heard. Today's decisions are of such great importance, to be sure I am heard, I bring with me a man who was the first to preserve parks and recreational spaces, promoted the conservation movement, emphasized efficient use of natural resources. He was a naturalist, a historian an explorer.

He appears thru a quote taken from one of the national parks. "In the Grand Canyon, Arizona has a natural wonder which, so far as I know is in its kind absolutely unparalleled... Leave it as it is. You couldn't improve on it and man can only mar it. What you can do is keep it for your children, your children's children and for all those who come after you... Theodore Roosevelt.

3.9-5

Although the quote refers to one of the most majestic natural wonders, the Grand Canyon, the advice given is easily applied to the Patrick Farm. The comparison is justified in terms of what the Patrick Farm represents to Ramapo. It's natural beauty was inspiration to John Patrick, the author of 'Teahouse of the August Moon, it represents nature, open spaces, freedom, and most importantly a barrier to the destruction the builders bring to ramapo.

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

3.4-2AA

How fortunate that Theodore Roosevelt had the insight to protect Grand Canyon. Listen to him, his quote is from 1903, his message has withstood time. Protect our natural resources. I ask you to protect the Patrick Farm from overdevelopment.

*Sincerely yours,
Sandia Solomon*

TOWN OF RAMAPO
TOWN CLERK'S OFFICE
2009 JUL -2 A 10 51

Lee B Ross TOWN OF RAMAPO
788 Haverstraw Rd TOWN CLERK'S OFFICE
Suffern, NY 10901 -6 P 12: 06
(845) 362-0096

Town Board of the Town of Ramapo
237 Rt 59
Suffern, NY 10901

July 1st, 2009

Subject: Comments for the Official Record on the Development of the Patrick Farm

As a resident, taxpayer, voter, and citizen of the Town of Ramapo, I wish to express for the record that I am 100% against this project and urge you in the strongest terms to disapprove it.

2.0-14

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

3.4-2BB

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

3.4-2CC

Favorable comments by Carl Wortendyke (delivered verbally at the hearing in Torne Valley) are self-serving and meaningless. He lives in a mansion in Upper Nyack on the Hudson River . . . and will be wholly unaffected (except for the millions of dollars he stands to make as the proposed builder of this project). For him to tell us how "good for Ramapo" this development will be is insulting and laughable.

[The effects on traffic (already a disaster on Rt 202 between 4 and 6:30 PM EVERY day) will be drastically worsened.] 3.5-15
[The waste water from runoff and loss of soil permeability will endanger the adjacent critical wetlands and headwaters of the Mahwah River.] 3.2-9

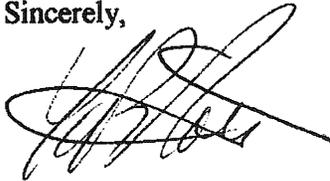
This property is historic in nature and is the last and final large undeveloped parcel in the Town . . . one of the only places where wildlife continues to prosper.] 2.0-15

The "religious" designation sought by the developers will shift a substantial tax burden onto the rest of us to pay for the residents' garbage and sewage removal and snow-plowing and all other municipal services.] 3.6-14

Finally, it is an arrogant slap in the face to ignore the overwhelming opposition to this development from virtually ALL of the residents of this area of the Town. We are the ones affected by your decisions. You are supposed to represent ALL of us, not just your campaign-contributing builders and developers.

Of course I am aware that none of you will pay any attention to this letter, or the hundreds of other comments in opposition already received, but I want it on the record anyway.

Sincerely,



Lee Ross
Unincorporated Ramapo

Cc: Rockland Journal News

LETTER # 4

DORIS F. ULMAN
ATTORNEY AT LAW
134 CAMP HILL ROAD
POMONA, N. Y. 10970

(845) 354-6436

FAX (845) 354-3861

July 6, 2009

Supervisor and Town Board
Town of Ramapo
237 Route 59
Suffern, New York 10901

Attention: Alan Berman, Esq.

Re: Patrick Farm DEIS

Dear Supervisor St. Lawrence and Members of the Town Board:

RECEIVED
TOWN ATTORNEY
2009 JUL - 6 A 10:11

The following are comments on the Draft Environmental Impact Statement submitted by the Village of Pomona, the municipality adjacent to the Patrick Farm property.

Initially we object to the adoption of an amendment to the Town of Ramapo Comprehensive Plan because an Environmental Impact Statement has not been prepared for this action. The DEIS prepared by the applicant is stated to be in support of the application for zone change. The amendment to the Plan is an action separate from the amendment to the Zoning Law and Map and requires its own SEQRA review.

We also urge the Town Board to reject the DEIS prepared by the applicant because it is based on inaccuracies, conclusions not based on fact and incorrect assumptions. For example:

1. The DEIS continually states that the project consists of 208.5 acres. This is incorrect and misleading. The 12.1 acres on the north side of Route 202 is not contiguous to the project site and cannot be used for the bulk requirements. The total acreage of the project is only 196.4 acres, thereby changing the development coverage, building coverage and FAR calculations.

2.0-16

2. The DEIS continually states that the Town's Comprehensive Plan identifies a need for diversity of housing options but fails to state that the Plan also identified specific areas of the Town to be rezoned to address this need. These areas have been identified for multi-family housing and have not yet been built out. The Comprehensive Plan created several MR-8 and MR-16 zones in order to accommodate the diversity of housing needs that the Plan envisioned. The Patrick Farm property is not one of those areas.

3.4-1E

Supervisor and Town Board
Page 2

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

3.4-1E
Con't

3. Table 1 on Page 1-7 of the DEIS shows that there is no need for the proposed zone change. The Table shows that population has increased by the same percentage as family size. The number of households has increased by only 115 over the 7 year period while the number of housing units has increased by 1,000. The increase in housing units is more than adequate to address the housing needs of the increase in households. Why do we need 497 units at the Patrick Farm site?

3.4-2DD

4. The studies and narratives presented in the DEIS do not address the potential adverse impacts that will result from the proposed project. Moreover, all of the "benefits" proposed for the high density project can be required by the Town for a project that complies with current zoning.

3.4-43

5. Page 1-15 of the DEIS states that the proposed action is compatible with the character and community trends of the project's surrounding area. Nothing could be further from the truth. The subject property is actually surrounded by single family homes and vacant land. If there are any two family or multi-family houses in the neighborhood they are illegal uses. The closest commercial use is more than one half mile from the Patrick Farm. The statement that "No significant adverse impacts to community character and development trends are expected from the proposed action" is a conclusion not based on fact.

3.4-3M

6. The Transportation section of the DEIS on Pages 1-16 through 1-20 contains many inaccurate statements and was obviously prepared by someone who has not experienced the daily back-up of traffic on Route 202 from Route 45 easterly to Martino Avenue and westerly to Paccsetter Shopping Center and beyond. With the advent of the Bergstol project on Route 202, the Congregation Mesifla Beth Shraga school on Camp Hill Road, the Bover and Babcock Road schools on Route 306 and the Tartikov project on Route 306, traffic on Route 202 will be at a standstill.

3.5-16

7. The project proposes to have the entrance/exit to the multi-family housing at Route 202. The DEIS tells us this is a benefit to the community. It is not. This portion of Route 202 is high speed and is currently quite dangerous. There are many driveways entering onto Route 202 into this high speed, heavy traffic. Another driveway being used by 314 families will add to the danger. The problem will be exiting the new driveway; adding a turning lane will not resolve this problem.

3.5-17

Supervisor and Town Board

Page 3

8. The discussion of property values, in particular the comparison of the subject project to the Crystal Hills project on page 1-29 is like comparing apples to oranges. The entrance to the Crystal Hills project is directly opposite a strip mall shopping center; the property immediately adjacent to Crystal Hills is a gas station. Of course Crystal Hills is not going to depress property values, i.e., it has probably increased values. However, Patrick Farm is not in a commercial neighborhood. As stated above it is surrounded by single family houses and vacant land. Multi-family housing will have an adverse effect on surrounding single family residential property values.

3.4-3N

9. The proposed preservation of the historic cemetery and farmstead are inadequate (page 1-30). The cemetery is proposed to be sited on a single family lot with a 10 foot easement giving public access. How many people are going to use the easement which appears to belong to a private person? Is the owner of the lot going to permit that access? The cemetery should be on its own lot with sufficient land to accommodate visitors and public access to a public street. A similar area should be set aside for the farmstead. This can easily be accommodated if the property is developed in accordance with its current zoning.

3.8-4

10. Summary of Project Alternatives:

a. No action alternative - we recognize that this is not a viable alternative;

b. No zone change - single family alternative - the Village of Pomona urges you to accept this alternative. This alternative is in compliance with the Ramapo Comprehensive Plan. This alternative can be sustainable and need not be the typical suburban sprawl. The Town of Ramapo permits cluster development which can be limited to a small area of the site, leaving the balance of the property as open space while limiting the number of units to the number presently permitted pursuant to the R-40 zoning district. This alternative would reduce land disturbance by 40%, eliminate the need for access onto Route 202, reduce traffic by 50%, reduce water consumption by one third, and substantially reduce noise and air pollution and water runoff.

5.0-1

c. Adult student housing is not an alternative - there is currently an injunction against this type of development;

d. Reduced build-out alternative - there is no reason to consider this as an

Supervisor and Town Board
Page 4

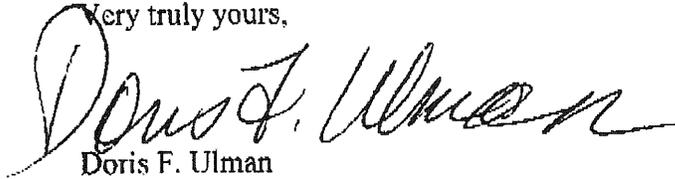
alternative. The environmental impacts of the proposed project will not be substantially reduced if only 25% of the project is eliminated. The DEIS does not address these impacts.

↑ 5.0-1
] can't

It is not our intent to point out every conclusion that is not substantiated by fact nor to list every inaccuracy in the DEIS. It is our intent, however, to bring to your attention the fact that the applicant has not adequately addressed the potential adverse impacts that will result from the zone change and that by taking a good, hard look at these impacts, you will have no alternative but to deny the application.

Thank you for the opportunity to comment on this Draft Environmental Impact Statement.

Very truly yours,



Doris F. Ulman
Village Attorney
Village of Pomona

DFU:b

BY FAX AND MAIL

MILTON B. SHAPIRO

ATTORNEYS AT LAW

SUSAN H. SHAPIRO

21 PERLMAN DRIVE • SPRING VALLEY, NEW YORK 10977

(845) 371-2100
(800) 645-8662
(845) 371-3721 - FAX
mbs@officeonline.ws

July 22, 2009

Supervisor and Town Board
Town of Ramapo
237 Route 59
Suffern, NY 10977

RECEIVED
TOWN ATTORNEY
2009 JUL 22 P 3:58

Re: Applications of Scenic Development, LLC
to Town of Ramapo Town Board

Gentlemen:

I represent Milton B. Shapiro and Sonya Shapiro, who own and reside at 34 Scenic Drive, directly across the street from the property which is the subject of 3 pending applications from Scenic Development, LLC before the Town of Ramapo Town Board:

- 1) Draft SEQR Hearing on Environmental Impact Statement
- 2) Proposed Amendment to the Comprehensive Plan of the Town of Ramapo
- 3) Proposed Amendment to the Zoning Law to Change Zoning Map

Public hearings were held on June 4, 2009 and on June 8, 2009. The hearings were held open for written comment until July 23, 2009.

This submission is made, on behalf of the Shapiro's, in opposition to all 3 applications. (Three signed copies, one for each hearing, are enclosed).

A supplemental objection to the applications of Scenic Development, LLC is being filed separately. It is directed to a major legal problem of the 3 applications.

The Town Board has repeatedly acquiesced to the zoning requests of this Applicant. First, the property was down-zoned from 50,000 s.f. to 40,000 s.f. lots; Second, the property was designated for Adult Student Housing. Now, they are asking for an unbelievable increase from a maximum of 130 units to 497 units, 473 of which will have 4 -5 bedrooms.

The very expensive, very large, very wordy, and misleading DEIS is obviously meant to overwhelm this Board. However, the Town Board must deal with reality, not Applicant's biased, self-serving, glossy presentation to it.

Applicant's DEIS turns the Town of Ramapo's Comprehensive Plan and Zoning on its ear, in one fell swoop. The Comprehensive Plan clearly provides for growth around *existing* center cores. The DEIS describes the Town's basic concentric plan- centered around the *existing* center core, the densely zoned and populated area of Monsey, and moving out in concentric circles, more or less, to less and less populated areas of the town. Among the least populated areas is the Route 202 vicinity --- the location of the 209 acres of Patrick Farms.

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

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

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

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

The DEIS is racked with many unbelievable self-serving statements including: the requested zoning would not adversely impact the surrounding residential area. Are they kidding?

At the Town Board presentation, Applicant grossly misrepresented the proposed grading. Applicant plans to strip or fill 80% of the unencumbered land, (i.e. other than wetlands, ponds, utility easements, buffer areas, steep slopes, etc, which by law, cannot be disturbed), 130 acres, to an average depth of 2.5 feet. The 61 acres proposed for MR-8 zoning would be far more drastically stripped and filled (probably to an average depth of 4-5 feet!).

The DEIS states that approximately 450,000 cubic yards would be moved. The result will change a beautiful, historic and environmentally sensitive site of trees, bushes, slopes, valleys, etc, into a stripped pool-table like site with mass produced 4-bedroom townhouses and apartments, and 5-bedroom houses. It

3.4-1F

3.1-5

3.9-8

would look like Route 306, north of Maple Ave. in Monsey, except approximately 10 times larger.

↑ 3.9-8
con't

Applicant makes no attempt whatsoever, to utilize the contours and other natural characteristics of the land, in contradiction to accepted basic good building practices and environmental considerations.

] 3.1-6

Hopefully, this Board will not take such a proposal seriously, especially when there is no need. There is plenty of housing and multi-family housing currently available, in addition to large approved still-to-be-built developments in the existing core centers.

] 3.4-44

The DEIS plan also completely disregards the Ramapo Scenic Zoning District Law. Much of the property being regraded, etc. is within the 1000' restricted zone.

] 3.4-45

Applicant proposes to build out a first section of 410 densely packed multi-family homes in the center of the property- while supposedly maintaining a 40,000 s.f. lot buffer perimeter, to be built at a later date. The reality is that those first multi-family units will have more than enough people to form a new village, with even higher density zoning, thereby voiding the proposed 40,000 s.f. buffer.

] 3.4-46

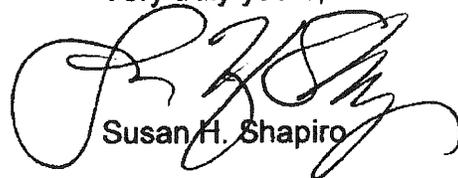
If approved as requested, the staging of the project would build-out all of the multi-family units in Stages 1-3; Stages 4-8 (most of the 1-family homes) will very possibly never get built. Based on the property's recent zoning history it would not be unreasonable to expect another zone change application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

] 3.4-47

Despite this bizarre plan to change the Comprehensive Plan and Zoning, there has been no suggestion by the Applicant or by the Board, for Restrictive Covenants (enforceable by residents of the property or by affected neighbors) to ensure even a modicum of protection that any approvals given by the Board will not be used as stepping stones for even further deterioration of the zoning of the neighborhood. As an absolute minimum, that should be a Board requirement for any action the Board takes.

] 3.4-48

Very truly yours,


Susan H. Shapiro

SHS/pf

MILTON B. SHAPIRO

ATTORNEYS AT LAW

SUSAN H. SHAPIRO

21 PERLMAN DRIVE • SPRING VALLEY, NEW YORK 10977

RECEIVED
TOWN ATTORNEY

2009 JUL 22 P 3: 58

(845) 371-2100
(800) 645-8662
(845) 371-3721 - FAX
mbs@officeonline.ws

July 22, 2009

Supervisor and Town Board
Town of Ramapo
237 Route 59
Suffern, NY 10977

Amy Miele, Esq.
Town Attorney, Town of Clarkstown
10 Maple Avenue
New City, NY 10956

New York State Attorney General
Office of the Attorney General
The Capitol
Albany, NY 12224-1341

New York State Office of Parks,
Recreation and Historic Preservation
Empire State Plaza, Agency Bldg. 1
Albany, NY 12238

Re: Applications of Scenic Development, LLC
to Town of Ramapo Town Board

Gentlemen:

I represent Milton B. Shapiro and Sonya Shapiro, who own and reside at 34 Scenic Drive, directly across the street from the property which is the subject of 3 pending applications from Scenic Development, LLC before the Town of Ramapo Town Board:

- 1) Draft SEQR Hearing on Environmental Impact Statement
- 2) Proposed Amendment to the Comprehensive Plan of the Town of Ramapo
- 3) Proposed Amendment to the Zoning Law to Change Zoning Map

Public hearings were held on June 4, 2009 and on June 8, 2009. The hearings were held open for written comment until July 23, 2009.

This supplemental submission is made, on behalf of the Shapiro's, in opposition to all 3 applications. (Three signed copies, one for each hearing, are enclosed for the Town of Ramapo).

Other objections to the applications of Scenic Development, LLC were or are being filed separately. Those are directed to other major problems, deficiencies, and improper aspects of the 3 applications.

This objection goes to the very core of Scenic Development LLC's ownership of the property and to the limited uses permissible with the property.

Let me explain.

The properties were purchased by the Town of Clarkstown for proposed town golf course purposes in 1996.

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

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

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

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

This was never done.

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

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

3.4-49

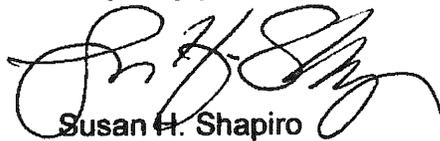
It is respectfully submitted that the applications are without merit and cannot be further considered or acted upon. The alleged owner, Scenic Development LLC, has, at most, problematic title to the properties purchased by its predecessor in title from the Town of Clarkstown.

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

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

3,4-49

Very truly yours,



Susan H. Shapiro

P.S. The parties being notified by this letter have or may have an inherent interest in the legality of the purchase of the proposed golf course properties from the Town of Clarkstown and/or the proposed use thereof.

SHS/pf

Enc.

cc: Senator Thomas Monahan
District Office
158 Airport Executive Park
Nanuet, NY 10954

Assemblyman Kenneth Zebrowski
District Office
67 No. Main Street
New City, NY 10956

Assemblywoman Ellen Jaffee
District Office
1 Blue Hill Plaza, Ste. 1116
POB 1549
Pearl River, NY 10965

Assemblywoman Nancy Calhoun
1012 Little Britain Road
New Windsor, NY 12553

Doris F. Ulman, Esq.
Village Attorney, Village of Pomona
100 Ladentown Road
Pomona, NY 10970

Frank Brown, Esq.
Village Attorney, Village of Wesley Hills
432 Route 306
Wesley Hills, NY 10952

Scenic Development, LLC
PO 404 East Route 59
Nanuet, NY 10954

CLARKSTOWN GOLF COURSE

History of Resolutions and Conveyances (Partial)

1. Scenic Development, LLC has, at best, a defective or encumbered title to the "Patrick Farms" property that is the subject of the zone change and related applications that are the subjects of these hearings.
2. The Town of Clarkstown could not validly sell its proposed golf course for any purpose other than a public recreational facility.
3. The Clarkstown Town Board by Resolutions 685-96, 686A-96 and 686B-96, adopted August 5, 1996 (Exhibit 1), authorized the purchase of the properties for golf course purposes.
4. A condition of the Contract of Sale to Clarkstown dated 9/3/96 was a preliminary routing plan for purposes of development of the property for a golf course.
5. The properties were acquired on 10/11/96 by three deeds: (1) Deed dated 10/9/96, recorded in the Rockland County Clerk's office on 10/11/96 as Instrument ID#1996-00018609; Deed dated 10/9/96, recorded 10/11/96 as Instrument ID#1996-00018610; and Deed dated 10/9/96, recorded 10/11/96 as Instrument ID#1996-00018612) (Exhibit 2).
6. From the time it was purchased until the Town sold it in 2001, Clarkstown authorized and did whatever was required to obtain the necessary approvals by the Town of Ramapo Planning Board, including surveying, engineering, planning, etc. for the proposed golf course.
7. Without obtaining the required Act of the New York State Legislature to permit alienation, the Clarkstown Town Board authorized the sale of the property on 7/17/01 by Resolution 549-01 (Exhibit 3).
8. Resolution 549-01 incorporated the Contract of Sale by reference. The Contract is annexed hereto (Exhibit 4)
9. The deed, dated 9/14/01 from Clarkstown to KLM Properties LLC was recorded on November 14, 2001 as Instrument ID#2001-00055724 (Exhibit 5). A Correction Deed dated 11/14/01 was recorded 3/26/02 as Instrument ID#2002-00018432 (Exhibit 6).
10. KLM Properties LLC sold the property to Scenic Development, LLC by Deed dated 3/12/02, recorded 3/26/02 as Instrument ID#2002-00018435 (Exhibit 7)



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

David A. Paterson
Governor

Carol Ash
Commissioner

May 6, 2009

Alan Simon
Director of Building and Planning Administration
Town of Ramapo
Ramapo Town Hall 237 Route 59
Suffern, NY 10901

Re: SEQR/DEC/ACOE
Draft EIS Response
Patrick Farms Project
Intersection of Route 306 and 202
Town of Ramapo, Rockland County, NY
08PR02295

Dear Mr. Simon,

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant historical/cultural resources. Based on information provided in the Draft Environmental Impact Statement (DEIS) it appears that this project will need permits from the New York State Department of Environmental Conservation as well as the United States Army Corps of Engineers. Therefore SHPO expects to be asked to provide comments in accordance with the Section 14.09 of the State Historic Preservation Act and Section 106 of the National Historic Preservation Act by these agencies. At this time we are providing the following comments on the DEIS for your use in your SEQRA review.

As identified in the DEIS our office has been working with applicant and we have previously reviewed Phase 1 and 2 archaeological reports, identifying a number of historic resources. The DEIS correctly identifies our comments on each site and at this time we concur that our office has recommended avoidance or mitigation of only two of the identified resources: the Conklin Cemetery and the J. Mather Farmstead. However, we had not previously seen the proposed avoidance/mitigation measures identified in the DEIS and SHPO will not concur that those measures are sufficient to avoid adverse impacts to either resource. In both cases the extent of the resource has been minimized to a point that SHPO can not concur with. We offer the following suggestions on how to modify the avoidance/mitigation measures so that SHPO can concur with them.

At the Conklin Cemetery, as at all historic locations, SHPO recommends that a protected buffer area be included in the site limits to insure that the resource is protected. Such buffers help to protect sites against accidental impacts during construction and serve to insure that all resources associated with a site are safely avoided. For the Conklin Cemetery we recommend extending the protected area 25 feet beyond the stone wall. This extension will not affect the proposed building envelopes as identified on the current project plans (dated 8/21/08). In addition we would recommend that a conservation easement be created to insure long term protection of the cemetery, that the area be clearly marked on all construction plans as "Environmentally Sensitive Area, Do Not Disturb" and that the buffer area be protected by easily visible fencing during any construction activities. Since all of this can be accomplished without modifying

3.8-5
↓

the proposed extent of the construction envelopes on Lots 7 and 8 these recommendations should be easy to implement.

3.8-5
con't

The J. Mather Farmstead Site is incorrectly labeled Figures 3.8-2 and 3.8-3 of the DEIS as the J. Mather Farmhouse site, and the proposed avoidance reflects this mistake. SHPO has determined that the J. Mather Farmstead – including the house, the well and additional surrounding areas which produced archaeological material during the investigation are eligible for the National Register of Historic Places, not just the stone foundation. Therefore, the proposed avoidance measures included in the DEIS will not protect the site sufficiently, and as proposed the project will have an adverse impact on the site that should be mitigated through measures to be developed. The actual site – as identified by the extent of archaeological testing which produced material associated with this occupation, and including a minimal buffer area, extends through much larger segment of Lot 51. When viewed on the current project plan the site covers areas that are identified as a single family home on Lot 51 and Building 158 as well as the entrance road from Route 306. In order to completely avoid impacting the J. Mather Farmstead site, the proposed plan would have to be reconfigured, removing Building 158, if possible shifting the proposed construction on Lot 51 north and west, and removing the access road from Route 306. If the project can not be reconfigured to avoid impacting portions of the site, SHPO would recommend developing additional mitigation measures. We will be happy to consult on the development of appropriate avoidance and/or mitigation measures. Whichever options are selected we would also recommend developing preservation easements or covenants to protect any portions of the site left intact, and implementing protective fencing during construction.

3.8-6

3.8-7

I hope that you find these comments useful in your review of the DEIS. Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

Cc: Ramapo Planning Board
Tim Miller Associates



COUNTY OF ROCKLAND
DRAINAGE AGENCY
Division of the Highway Department
23 New Hempstead Road
New City, New York 10956
(845) 638-5081
Fax: (845) 708-7116
Email: highway@co.rockland.ny.us

C. SCOTT VANDERHOEF
County Executive

CHARLES H. VEZZETTI
Superintendent of Highways
Chairman, Drainage Agency

EDWARD F. DEVINE
Executive Director

Via Regular and Certified Mail No. 7006 2760 0001 9977 1356

June 04, 2008

Town of Ramapo
Office of Building, Planning, & Zoning,
237 Route 59
Suffern, New York 10901
Attention: Alan Simon,
Director of Planning and Zoning Administration

Re: Development of Patrick Farms
Section 32.11, Block 1, Lots 2, 3, 4, 12, 13, 14, 15, 16
Section 32.14, Block 2, Lot 3
Town of Ramapo Tax Map
Resource: Mahwah River

Dear Mr. Simon:

The Rockland County Drainage Agency ("RCDA") has reviewed the above-referenced proposal as prepared by Leonard Jackson Associates dated November 11, 2007 and last revised April 30, 2008 (1 sheet).

Based on the information provided and maps available to the RCDA, the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. Please have the applicant submit an application to the RCDA immediately. Enclosed is a copy of a permit application and Chapter 846: Rockland County Stream Control Act.

3.6-15

Any further decisions or determinations made by the Town of Ramapo land use boards in this matter should indicate that the site is within the jurisdiction of the RCDA and that a permit from the RCDA is required. The RCDA recommends that the Town of Ramapo ensure that the applicant has secured the necessary permits and approvals from all interested and involved agencies as a prerequisite to granting any final approvals.

Furthermore, the eastern and southern side of the site appears to be located within mapped state and federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

3.3-8

The Rockland County Drainage Agency ("RCDA") does not object to the Town of Ramapo Planning Board assuming responsibilities of lead agency for SEQRA purposes in the above referenced matter.

Please contact Shajan Thottakara, P.E., at (845) 638-5081 if you have any questions regarding this matter.

Very truly yours,



Edward F. Devine
Rockland County Drainage Agency

encl.

cc: Yechiel Lebovits, Scenic Development, LLC (Via Regular and Certified Mail No. 7006 2760 0001 9977 1196)

(w/o enclosures)

Charles H. Vezzetti

Shajan Thottakara, P.E., RCDA

Rockland County Planning Department



**COUNTY OF ROCKLAND
DRAINAGE AGENCY**

Division of the Highway Department

23 New Hempstead Road
New City, New York 10956
(845) 638-5081

Fax: (845) 708-7116
Email: highway@co.rockland.ny.us

C. SCOTT VANDERHOEF
County Executive

CHARLES H. VEZZETTI
Superintendent of Highways
Chairman, Drainage Agency

EDWARD F. DEVINE
Executive Director

Via Regular U.S. Mail and Certified Mail No. 7008 2810 0002 4406 6798

June 8, 2009

Town of Ramapo - Town Board
Ramapo Town Hall
237 Route 59
Suffern, New York 10901

Attention: Alan B. Berman, Esq., First Deputy Town Attorney

Re: Patrick Farm Development Plan Review
Section 32.11, Block 1, Lots 2, 3, 4, 12, 13, 14, 15 & 16; and
Section 32.14, Block 2, Lot 3
Town of Ramapo Tax Map
Resource: Mahwah River

Dear Mr. Berman:

The Rockland County Drainage Agency ("RCDA") has received and reviewed the following information submitted to the our office regarding the above-mentioned subject:

- A. Draft Environmental Impact Statement – Volume I – Patrick Farm prepared by Tim Miller Associates, Inc., dated April 15, 2009,
- B. Draft Environmental Impact Statement – Volume II – Patrick Farm prepared by Tim Miller Associates, Inc., dated April 15, 2009; and
- C. "Patrick Farm" project drawings prepared by Leonard Jackson Associates, signed and stamped by Leonard Jackson, P.E., dated August 21, 2008 and last revised March 17, 2009 (8 sheets).

The RCDA has previously reviewed the above-referenced proposal. By letter dated June 4, 2008, the RCDA advised the Town of Ramapo Building Planning and Zoning Department that the above-referenced site has been determined to be within the jurisdiction of the RCDA and that a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. A copy of the RCDA letter dated June 4, 2008 is attached hereto. As of the date of this correspondence, the RCDA has not received a permit application with respect to the above-referenced matter as required by the Rockland County Stream Control Act.

3.6-15

Please have the applicant submit an application to the RCDA with the required information immediately. Enclosed is a copy of a permit application and Chapter 846: Rockland County Stream Control Act.

Any further decisions or determinations made by the Town of Ramapo land use boards in this matter should indicate that the site is within the jurisdiction of the RCDA and that a permit from the RCDA is required. In addition, the site appears to be within mapped state and federal wetlands. The 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.

3.6-15
Con't

The RCDA recommends that the Town of Ramapo ensure that the applicant has secured the necessary permits and approvals from all interested and involved agencies as a prerequisite to granting any final approvals.

If you have any questions regarding this matter, please contact Shajan Thottakara, P.E., at (845) 638-5081.

Very truly yours,


Edward F. Devine
Rockland County Drainage Agency

enc.

cc: Charles H. Vezzetti
Shajan Thottakara, P.E., RCDA
Helen Kenny Burrows, Rockland County Planning Department
Arlene Miller, Rockland County Planning Department
New York State Department of Environmental Conservation
U.S. Army Corps of Engineers
Scenic Development, LLC via Regular Mail and Certified Mail No. 7008 2810 0002 4406 6804
Alan M. Simon, Director of Planning and Zoning Administration, Town of Ramapo Building,
Planning & Zoning Department via Regular Mail and Certified Mail No. 7008 2810 0002 4406 6811

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3000 • FAX: (845) 255-4659

Website: www.dec.ny.gov

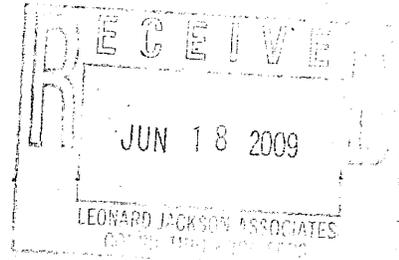


Alexander B. Grannis
Commissioner

June 16, 2009

DENNIS ROCKS
 LEONARD JACKSON ASSOCIATES
 26 FIREMANS MEMORIAL DRIVE
 POMONA, NY 10970

RE: DEC Pre-Application #3-3926-00570/00002
 Patrick Farm
 497 Residential Units on 208 Acres
 Town of Ramapo, Rockland County



Dear Mr. Rocks,

On April 3, 2009 the New York State Department of Environmental Conservation (Department) received your request for a jurisdictional determination regarding resources located within the above referenced 208 acre parcel. The Department has screened the subject parcel and determined the following:

1. Freshwater Wetlands (Article 24) – The subject parcel contains portions of two NYS Freshwater Wetlands, TH-14 (Class I) and TH-30 (Class II). Any disturbance within these two wetlands or their respective 100 foot adjacent areas requires a Freshwater Wetlands permit from this Department. The site also contains portions of wetlands that may be federally regulated. Federally regulated wetlands fall under the jurisdiction of the Army Corp of Engineers. Correspondence with that agency is required to determine any additional permit requirements that may apply. Please note that if the project involves the filling of any federally regulated wetland a 401 Water Quality Certification is required from this Department. 3.3-9

2. Protection of Waters (Article 15) – The subject parcel contains portions of two NYS Protected streams; both are Class B tributaries to the Mahwah River (Water Index No's NJ 11-12 and NJ 11-14). Any disturbance within the bed or banks of these protected streams requires a Protection of Waters permit from this Department. 3.2-10

3. Dam Safety (Article 15) – According to the documentation provided, the site includes an earthen dam which is 10 feet high and impounds greater than 3 million gallons of water. Any proposed repair to this impoundment requires a dam safety permit from this Department. 3.2-11

4. Water Supply (Article 15) – The recently accepted Draft Environmental Impact Statement (DEIS) for this project indicates that United Water New York will provide water service to this project and has sufficient excess capacity to do so. As the subject parcel is located within an existing water district, a water supply permit from this Department is not required for this project. 3.2-12

RE: Patrick Farm Jurisdictional Determination
June 16, 2009
Page 2 of 2

5. SPDES Wastewater – The recently accepted DEIS for this project indicates that sanitary wastewater will be discharged to the Rockland County Sewer District #1 (RCSD #1) municipal system. The DEIS also indicates that RCSD #1 has sufficient capacity to accept and treat this flow. Therefore, a sanitary SPDES permit is not required for this project.

3.2-13

Note: The sewer extension (physical connection to existing infrastructure) requires site plan review and approval from this Department.

6. Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) – Compliance with this SPDES General Permit is required for construction projects that disturb one or more acres of land. When other DEC permits are required, the Stormwater Pollution Prevention Plan (SWPPP) required by the SPDES General Permit must be submitted along with the permit application for concurrent review. Authorization for coverage under the SPDES general permit is not granted until approval of the SWPPP and issuance of the other necessary DEC permits.

3.2-14

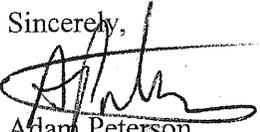
7. SHPA - A review of the statewide inventory of archeological resources maintained by the New York Office of Parks, Recreation and Historic Preservation (OPRHP), indicates that the proposed project is located within an area considered to be sensitive with regard to archeological resources. Pursuant to the State Historic Preservation Act, a determination of the project's effect on cultural resources would need to be made by the OPRHP, if permits or approvals are required from a state agency for this work.

3.8-8

Upon submission of formalized plans, the Department will issue a definitive determination as to which of the above referenced potential permit jurisdictions are applicable to this proposal.

Note: The Department is in receipt of the recently accepted DEIS and is preparing comments to submit to the lead agency, the Town of Ramapo Town Board, by the July 8, 2009 deadline. Our comments on the DEIS may have more specific information pertaining to Department jurisdictions, depending upon the project specific details provided within DEIS.

Contact me with any questions or concerns that you may have at (845) 256-3096.

Sincerely,

Adam Peterson
Environmental Analyst

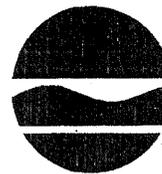
Cc: Scenic Development, LLC
Town of Ramapo Town Board
USACOE

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3000 • FAX: (845) 255-4659

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

July 3, 2009

ALAN SIMON
 DIRECTOR OF BUILDING AND PLANNING ADMINISTRATION
 TOWN OF RAMAPO TOWN BOARD
 237 ROUTE 59
 SUFFERN, NY 10901

RE: DEC Pre-Application No. 3-3926-00570/00002
 Comments on Draft Environmental Impact Statement (DEIS)
 Patrick Farm – 497 Residential Units on 208.5 Acres
 Town of Ramapo, Rockland County

Dear Mr. Simon:

The New York State Department of Environmental Conservation (DEC or Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the Patrick Farm Subdivision development project proposed by Scenic Development, LLC. The Department is an involved agency in the SEQR review of this project. Several permits and approvals will likely be required from DEC for the project including:

1. Protection of Waters for construction activities affecting the bed and banks of state regulated streams on the property;
2. Freshwater Wetlands for construction affecting state regulated wetlands and associated 100 foot adjacent areas;
3. Dam safety for proposed repairs to the on site earthen dam; and
4. State Pollutant Discharge Elimination System (SPDES) for proposed stormwater discharges.

3.2-15

Our comments generally focus on areas where DEC will have direct regulatory authority and on biological resources where the Department has recognized stewardship responsibilities. The following comments are offered for the Town Board's consideration;

Biological Resources

Section 3.3 page 13 of the DEIS indicates that the Eastern box turtle, a NYS Species of Special Concern, was observed by Tim Miller Associates during the course of 2008 field surveys and Carpenter Environmental Associates during a 2006 field survey. As the DEIS indicates, NYS State Law does not offer any specific protection for species of special concern. However, the final scoping document requires that the DEIS evaluate the potential impacts on unique, rare and/or endangered, threatened **and** special concern species. The DEIS does offer a description of preferred habitat for the Eastern box turtle but does not discuss potential impacts to on site habitat or related impacts on the population. An analysis regarding potential impacts to the Eastern box turtle should be included.

3.3-10

Vernal pools support breeding of the marbled salamander, Jefferson salamander, and blue-spotted salamander, all NYS Special Concern and Species of Greatest Conservation Need. These pools are also part of the habitat complex of spotted turtle, a NYS Special Concern species. Vernal pools provide breeding habitat for the group of woodland salamanders called the "mole salamanders," which include marbled, Jefferson, blue-spotted, and spotted salamanders, as well as wood frogs. Because the pools are typically isolated, low in oxygen,

3.3-11

RE: Patrick Farm
July 3, 2009
Page 2 of 4

and dry during the summer they don't support fish populations and therefore provide high-quality "nursery" habitat for the developing eggs and larvae of salamanders and frogs. Section 3.13 page 15 indicates that no vernal pools are located within the subject site. However, the DEIS does not indicate the timing of the survey or survey methodology used to determine that no vernal pools are present. The EIS should provide additional detail regarding survey timing and methodology.

3.3-11
Con't

Freshwater Wetlands

Section 3.3 page 21 of the DEIS indicates that the proposed project will not disturb any on site regulated freshwater wetlands or 100 foot adjacent areas. However, Section 2.5.1 page 17 indicates that a permit to disturb the 100 foot adjacent area is required for the discharge of a stormwater basin. This discrepancy should be clarified.

3.3-12

In addition, DEC will require the placement of survey markers along the boundary of the 100 foot adjacent area at appropriate locations (see enclosure) in conjunction with the placement of a permanent barrier (split rail fence, stone wall, or other equivalent structure). The survey markers and permanent structure appear to be appropriate for lots 43-49 and 53-55. These plan revisions should be included in the final site plan which will be reviewed by this Department upon submission of a formal application. Also, a condition of any permit issued by DEC will be the inclusion of a "deed notice" on these lots regarding the presence of NYS Freshwater Wetland and/or 100 foot adjacent area. The purpose of the deed notice is to ensure future owner awareness and compliance with Article 24. The deed notice language is as follows:

3.3-13

"This property contains State regulated freshwater wetlands and/or regulated 100 foot adjacent area. For as long as any portion of the property described in this deed is subject to regulation under Article 24 (the Freshwater Wetlands Act) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the ECL on this property within the wetland area or its 100 foot adjacent areas at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 24 from the NYS Department of Environmental Conservation (DEC). This restriction shall bind the Grantees, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property."

Streams

The subject parcel includes portions of two NYS regulated streams; both Class B tributaries to the Mahwah River. This proposal includes two crossings of these protected streams which will require permits from DEC. All stream crossings must include a bottom consisting of natural substrate and must completely span the bed of the stream to prevent constriction of flow. Permits will be also be required for the construction of stormwater discharge points within the bed and banks of these protected streams. In addition, DEC recommends maintaining a 50 foot wide vegetated corridor on each side of protected streams in order to maintain stable embankments and water quality. These recommendations should be incorporated into the final site plan, which will be reviewed by this Department upon submission of a formal application. In addition, a condition of any permit issued will be the addition of a "deed notice" on affected lots regarding the presence of NYS regulated streams. The objective of the deed notice is to ensure owner awareness and compliance with Article 15. The deed notice language is as follows:

3.2-16

RE: Patrick Farm
July 3, 2009
Page 3 of 4

“This property contains a New York State regulated stream. For as long as any portion of the property described in this deed is subject to regulation under Article 15 (Protection of Waters) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no regulated activity as defined by Article 15 of the ECL on this property within the bed or banks of this stream at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 15 from the NYS Department of Environmental Conservation (DEC). This restriction shall bind the Grantees, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property.”

↑
3.2-16
Con't

It appears that the deed notice is appropriate for lots 58, 66-68, and 79.

Water Supply

Appendix B includes a “willingness to serve” letter from United Water New York pertaining to the supply of potable water to the subject development. However, this letter, issued on August 25, 2008 expired nine months from issuance and therefore is no longer valid. An updated willingness to server letter should be provided.

] 3.6-16

Sanitary Wastewater Management

Section 3.6.6 page 7 indicates that sanitary wastewater will be discharged through the Rockland County Sewer District (RCSD) #1 waste water treatment plant (WWTP) located in Orangeburg, NY. The DEIS should demonstrate that RCSD #1 and the existing WWTP have sufficient capacity to accommodate the 198,800 gallons/day (GPD) to be discharged. If RCSD #1 does not have sufficient capacity under the existing SPDES sanitary wastewater permit, a modification to this permit will be required, assuming the WWTP has sufficient excess capacity to accommodate this additional discharge. The analysis demonstrating capacity should include an evaluation of existing capacity taking into account other development projects in the area proposing to discharge via RCSD #1.

] 3.6-17

Stormwater

Section 3.2 page 5 states “An acceptable SMP will capture and treat 90 percent...” This should be revised to state “An acceptable **water quality** SMP will capture and treat 90 percent...”

] 3.2-17

Section 3.2 page 6 states “All of these wet extended detention ponds were designed in accordance with NYSDEC sizing criteria to treat a portion of the water quality volume (WQv) by detaining...” In fact, DEC sizing criteria require that detention ponds be sized to treat the **entire** water quality volume.

] 3.2-18

Upon submission of a formal application to DEC, the Stormwater Pollution Prevention Plan (SWPPP) will be reviewed to ensure compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001).

] 3.2-19

Energy/ GHG

Section 8.0 page 1 of the DEIS quantifies the approximate energy usage per household based on 1997 data provided by the US Department of Energy. The provided data indicates that a “typical” development of 497 households would consume approximately 61.13 billion BTU of energy annually. The DEIS goes on to discuss the various energy saving principles to be incorporated in the Patrick Farm Development including the installation of high efficiency lighting fixtures, the use of Solar Domestic Hot Water (SDHW) in the market rate multifamily units to the extent practicable, the consideration of the use of solar or geothermal technology to supplement energy demand within the worker apartments, and the installation of high efficiency insulation.

] 8.0-1
↓

In response to the information provided the Department offers the following:

1. Per the enclosed “Guide for Assessing Energy use and Greenhouse Gas Emissions in

RE: Patrick Farm
July 3, 2009
Page 4 of 4

Environmental Impact Statements," energy use should be converted into GHG emissions and represented as tons of carbon dioxide (CO²). To convert Btu's to CO² emissions utilize the conversion at the following link: <http://www.eia.doe.gov/oiaf/1605/coefficients.html>.

2. The DEIS includes data regarding "typical" energy usage of a 497 unit development. However, no attempt is made to quantify the emissions of the proposed development. As this proposal includes the utilization of several energy saving technologies, provide an analysis which quantifies "typical" energy usage and GHG emissions (in tons of CO²) compared to anticipated emissions from this development. As the extent to which certain technologies will be utilized (ie. SDHW) is not yet finalized, the analysis should include a range of scenarios addressing various usage levels of energy saving technologies. The analysis should quantify both direct and indirect emission sources as outlined in the enclosed guidance, as applicable to this proposal.

3. The DEIS indicates that SDHW will be installed in two of the first five multi-family buildings constructed, in order to determine the viability of this technology in this region. It is assumed that if this technology is deemed viable, that it will be further utilized within the development. In order to optimize the likelihood that the use of solar energy as a **supplemental** energy source will be successful the Department believes that solar energy should be pursued as a means of "pre-heating" and that the applicant should utilize a back-up energy source as well. The use of solar as a lone energy source will not likely provide a reliable means to heat water given the temperate climate of the locale. In addition, the applicant should utilize the services of certified installers/ engineers when considering building layout and orientation, solar panel sizing, and locating and installing solar technology to ensure proper alignment. This will maximize the likelihood that solar energy will be a viable form of supplemental energy, not only within two of the multi-family structures, but throughout the townhouse portion of the development.

DEC thanks you for the opportunity to comment on this project and the DEIS. Please contact me with any questions that you may have at (845) 256-3096.

Sincerely,



Adam Peterson
Environmental Analyst

Enclosures

Cc: Scenic Development, LLC (w/ enclosures)
Dennis Rocks, Leonard Jackson Associates (w/enclosures)
Margaret Duke – R3 Regional Permit Administrator (Via GW)
Lisa Masi, DEC (Via GW)
Brian Drumm, DEC (Via GW)
Natalie Browne, DEC (Via GW)
RCSD #1
United Water New York
USACOE

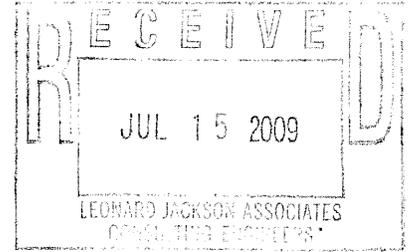
8.0-1
Con't



COUNTY OF ROCKLAND

SEWER DISTRICT NO. 1

4 Route 340
Orangeburg, New York 10962
(845) 365-6111
Fax. (845) 365-6686



C. SCOTT VANDERHOEF
County Executive

JULIUS GRAIFMAN
Chairman
CHRISTOPHER P. ST.LAWRENCE
Vice-Chairman
DIANNE T. PHILIPPS, P.E.
Executive Director

July 7, 2009

Mr. Alan Berman
Town of Ramapo – Town Board
237 Route 59
Suffern, NY 10901

Re: Patrick Farm
Route 202 and Route 306
Tax Lots 89/32.11-1-2, 3, 4, 12, 13, 14, 15 & 16 and 89/32.14-2-3

Dear Mr. Berman:

Our office has received and reviewed a Draft Environmental Impact Statement (DEIS) dated April 15, 2009, which Tim Miller Associates prepared for the above referenced project. We thank you for the opportunity to comment on this proposal. Our comments are as follows:

1. The sanitary sewers from this development would connect to the District's sewer system.
 - a. Upon review of this proposal and requested zone changes, the District has determined that an impact fee will be required, in accordance with the Rockland County Sewer Use Law as last amended in 2006. Impact fees enable the District to invest in future sanitary sewer improvement projects.
 - b. The proposed development of this site for 87 1-family residences, 314 townhouses, 72 condominiums and 24 apartments will result in three hundred ninety-one (391) additional sewer units. **Therefore, the developer must submit a check in the amount of seven hundred twenty three thousand three hundred fifty dollars (\$723,350.00) payable to Rockland County Sewer District No. 1 within thirty (30) days of Planning Board approval.**
2. This project lies wholly or partly within Tax Lots 32.11-1-15 (formerly 3./12A1), 32.11-1-16 (formerly 3./12A1), 32.11-1-4 (formerly 3./13A2), 32.11-1-14 (formerly 3./13A2), and 32.14-2-3 (formerly 3./13A2), which the United States Environmental Protection Agency (EPA) has designated as Environmentally Sensitive Areas (ESAs).

3.6-18

3.6-19

- a. 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 EPA and New York State Department of Environmental Conservation (DEC) approve the waivers. } 3.6-19
Con't
- b. 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 EPA and DEC until **seven (7)** 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. } 3.1-7
- 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. } 3.3-14
- iii. **EROSION AND SEDIMENTATION 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). } 3.1-8
- 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. } 3.3-15
- 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. } 3.3-16
- vii. **STANDARDS FOR WAIVER APPROVAL:** The standards applied by the EPA and DEC for ESA Waiver Approval are similar to the DEC standards for a Freshwater Wetland Permit. There will be a sufficient demonstration of: } 3.3-17

(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
 - (6) no net increase in downstream flooding during storm events.
- c. 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.
- d. Once the above requirements have been met, our office will forward the required information to the EPA and DEC. It should be noted that six (6) of the seven (7) sets as requested above are required for EPA and DEC purposes.
3. The District accepts the preliminary design proposal to replace the Route 202 Pump Station, construct a new force main, construct new gravity lines and upgrade the Wilder Road Pump Station in order to accommodate this project. The District will require the design engineer to coordinate and forward the details of the final design to this office for approval.
- a. Page 1-2 of the DEIS states, "The project proposes to upgrade and improve the existing sewer infrastructure which serves the project site. These conceptual plans have been approved by the Rockland County Sewer District #1." However, per Comment 3 above, the District accepts the proposal to upgrade the existing infrastructure but has not yet approved any such plans.
4. Pages 1-24 and 3.6-7 of the DEIS refer to "chlorinated effluent" and "aerobically digested" sludge.
- a. Sodium hypochlorite is used to disinfect the wastewater, and sodium bisulfite is used to dechlorinate prior to discharging the effluent into the Hudson River.
 - b. The sludge is not aerobically digested. The District uses *anaerobic* digesters.
5. Page 3.6-7 of the DEIS states, "Attached in the Appendices of this document is a copy of the Executive Summary from the RCSD#1 Collection System Evaluation and Engineering Report for Order on Consent Compliance". However, the appendices do not contain the above-referenced executive summary.
6. Page 3.6-8 of the DEIS states, "Figure 3.6-1 shows the approximate path of the proposed force main, which runs through Prosperity Drive." However, the DEIS does not contain the above-referenced figure. Also, according to Drawing No. 4 [Utility Plan (1 of 2)], the proposed force main will connect to the District's sewer main on Scenic Drive.

3.3-17
Con't

3.6-20

3.6-21

3.6-22

3.6-23

- 7. The sewers within this project will connect directly to the District's sewer main on Scenic Drive.
 - a. A 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.

- 8. 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.

- 9. 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.*

- 10. Details for the sanitary sewer house connections are subject to approval by the Town of Ramapo.

3.6-24

3.6-25

3.6-26

3.6-27

Please inform us of all developments in this project. If you have any questions, please contact this office at 845-365-6111.

Very truly yours,



Joseph LaFiandra
Engineer II

- cc: D. Philipps M. Saber M. Castro M. Gross
Scott McKane, P.E. – Rockland County Department of Health
Helen Kenny-Burrows – Rockland County Department of Planning
Edward Moran, P.E. – Town of Ramapo DPW
Alan M. Simon – Town of Ramapo Planning Board
Christopher Landis, P.E. – Leonard Jackson Associates

File: TOR 32.11-1-4 et al. – Patrick Farm
ESA
Impact Fees
Reader