

## ***E. SEQRA COMMENTS***

*Each of the "Issues" below describes written comments on the DGEIS that were submitted to the Town or comments that were presented to the Town Board at the public hearing on the DGEIS. The "Response" to each "Issue" represents the Town's response to the comments raised by members of the public.*

**SEQRA Issue #1:** The Public Hearing was unfairly conducted and in direct violation of the State of New York law that requires a "fair opportunity to be heard". The Supervisor manipulated the speaking order in such a way as to prevent elected officials and known opponents of his plan from speaking until the very end. Many who wished to be heard arrived early and signed up to speak, believing that they would be called in the order they had signed up (as is customary at all other public hearings). They were not. Some were unable to stay until midnight the first night and the Supervisor, despite being asked early to announce when the Hearing would be continued, refused to do so. As a result, those who had to leave were unaware that the Hearing was continued the following night. The Supervisor deliberately refused to inform the press of the continuation date, and then closed the Hearing after the second night, thus preventing many speakers from being heard simply because they did not know about it.

Many, including the Mayor or Deputy Mayor of five villages, had signed up to speak before the start of the public hearing. Each of them had signed the improvised sign-up sheet that was circulated starting at 6:30 PM. However, you would not recognize or honor the sign-up sheets presented by opponents of the Plan, for the stated reason that speakers had to sign in on the Town's sheets. On the first night, the Town did not adequately distribute the Town's sheets and did not adequately inform people of the procedures for speaking. On the second night, no sign up sheets or any indication of procedures for speaking were to be found anywhere.

The schedules of opponents of the Plan were deliberately disregarded (including the public officials, some of whom had other meeting commitments), you called on other speakers in favor of the Plan in accordance with their schedules. Many public officials, known opponents of the Master Plan, and professionals hired by the villages to review the DGEIS, were granted their right to speak only at the very end, including not until late the second night after most of the public had to leave.

The Supervisor also interrupted frequently, demanding that opposition speakers rush through their prepared statements, denying them a fair opportunity to express themselves adequately. The time limits on speaking were observed for some speakers, but not for others.

The Town Board withheld making a public announcement that the hearing would be adjourned until the very next night until very late in the evening. The result was that much of the audience had gone home, and the Journal News was unaware of the adjourned date until after it had gone to press with the next day's edition. The April 29, 2003 edition of the Journal News stated, "Last night's public hearing on the draft generic environmental impact statement could be continued. Ramapo Town Supervisor Christopher St. Lawrence could not be reached late last night to confirm if another session would occur." It is obvious that many people who wanted to

participate in the hearing did not even have notice that the hearing would be continued on April 29<sup>th</sup>. *Comment 33.1, Comment 33.2, Comment 36.8, Comment 46.6, Comment 46.7, Comment 46.8, Comment 46.9, Comment 46.10, Comment 46.11, Comment 46.12, Comment 46.13, Comment 46.14, Comment 57.3, Comment 57.4, Comment 65.1, Comment 65.2, Comment 69.1, Comment 87.1, Comment 88.1, Comment 88.2, Comment 92.1, Comment 94.1, Comment 96.1, Comment 116.1, Comment 116.3, Comment 117.1, Comment 117.2, Comment 117.3, Comment PH2.18, Comment PH2.65, Comment PH2.66, Comment PH2.72*

**Response to Issue #1:** Persons wishing to comment to the Town Board on the DGEIS had a full and fair opportunity to be heard, either orally, in writing or both. All persons attending the hearing who wished to speak were provided with forms by the Town Clerk beginning about one half hour prior to and throughout each night of the hearings. The forms simply requested the name and address of the person seeking to speak. The Clerk collected the forms throughout the course of the hearings and provided them to the Town Supervisor who called the names of the speakers. This methodology is the typical procedure of the Town Board. All persons who requested an opportunity to speak were called to speak. Due to the large number of people attending the hearing and who sought to speak, the hearing could not be completed on the first night and was adjourned shortly before midnight until 7:30 the following evening.

Evidently, organizers of a group opposed to the Draft Comprehensive Plan arrived at the site of the hearing substantially in advance of the 7:30 p.m. hearing and prior to the arrival of the Town Clerk. These persons prepared their own list of requested speakers and demanded that their list determine the order of speakers - thereby including only opponents of the Draft Comprehensive Plan as the initial speakers and excluding proponents. Since the conduct of Town Board meetings is within the discretion of the Town Board, the Board justifiably refused to deviate from its procedures and relied instead on the speaker forms circulated and collected by the Town Clerk, as called by the Town Supervisor. While at one point during the first night of the hearing the Clerk ran out of speaker forms, she promptly had more duplicated and continued to distribute them shortly thereafter.

As is evident from the hearing transcripts, the order of speakers favored neither proponents nor opponents. Although the Supervisor set an approximate five minute time limit per speaker, many speakers spoke for much longer periods. The transcripts of the public hearings demonstrate that the vast majority of those who spoke for much longer periods were opponents of the Plan.

The procedures to address the Board were clearly set forth in the Supervisor's opening remarks which noted the need to fill out a speaker form distributed and collected by the Town Clerk, that all persons wishing to speak at the hearing would be given that opportunity before the hearing was finally concluded, and that oral statements were to be limited to about five minutes but that written statements could be submitted at the hearing or for up to 10 days after the close of the hearing without limit as to length. Local public officials were given no special preference in speaking over ordinary citizens, nor were they denied an opportunity to speak or circumscribed in their remarks. The transcripts clearly reveal that the Supervisor did not frequently interrupt and unfairly limit speakers comments (even speakers whose comments had little if anything to

do with the DGEIS under discussion), and that the few interruptions by the Supervisor were almost exclusively to control disruptive behavior from hecklers in the audience.

Shortly before midnight during the first night of the hearing, the Supervisor announced to all those in attendance that the school district (the hearing taking place at the Ramapo Senior High School) required that the use of the school must stop at midnight, and that the hearing would continue the following evening at the same place at 7:30 p.m. The hearing was then adjourned in full accord with appropriate procedures.

**SEQRA Issue #2:** It is apparent that you had predetermined that the hearing would be concluded on April 29, 2003, regardless of how many people wished to speak or what they said to the Town Board. The first page of the DGEIS states that written comments are due "April 25<sup>th</sup> or 10 days after the close of the public hearing, whichever occurs later." The Town's sign-up sheets that were handed out to prospective speakers before the start of the hearing stated at the bottom that "written comments may be submitted...through Friday, May 9, 2003." That date, of course, is 10 days after April 29, 2003. You could not have known that May 9, 2003 would be the deadline for written comments unless the close of the hearing on April 29, 2003 had been preordained. *Comment 46.1*

**Response to Issue #2:** During the Supervisor's opening remarks at the hearing, he advised all those in attendance as follows: "In addition, we will accept written comments from all persons who wish to submit them as well. The SEQRA rules provide that written comments are to be received and considered up to 10 days after the close of the public hearing. To give all interested persons further opportunity to comment, the Board has extended the comment period to either ten days after the close of the public hearing or through 5:00 p.m. on March – Friday, May 9<sup>th</sup>, whichever is later."

Thus, the Board indicated that if the hearing concluded on the first day (April 28<sup>th</sup>), the written comment period would be extended to 11 days to May 9<sup>th</sup>, rather than 10 days to Thursday, May 8<sup>th</sup>. However, if the hearing was adjourned and concluded after April 28<sup>th</sup>, then the comment period would run 10 days from whatever date the hearing concluded. There was no predetermined date for the hearing to conclude, although it was reasonable to expect the hearing could be concluded in one or two days. Further, since all people had a full and fair opportunity to speak and submit written comments, the Board's expectation as to when the hearing might conclude is of no import.

**SEQRA Issue #3:** Consistent with the Town Board's predetermined intention not to continue the public hearing to another date beyond April 29, 2003 under any circumstances, the Town Board adopted a resolution at midnight on April 29<sup>th</sup> to waive its "sunset rule" and continue to hear the speakers who will remained, rather than to adjourn the hearing. This resulted in the hearing actually being closed during the early morning on April 30, 2003, which means that the written comment period must be extended at least until May 10, 2003. *Comment 46.2*

**Response to Issue #3:** While the hearing concluded just a few minutes after midnight on the night of April 29/early morning on May 1<sup>st</sup>, the Town accepted all comments received through

May 11<sup>th</sup> - ten calendar days from the close of the public hearing. In fact, no comments were rejected as untimely.

**SEQRA Issue #4:** Before the hearing was opened, I came forward and told you that the crowd was so large that the overflow of people standing stretched into the lobby. I asked that you arrange for the partitions at the back of the auditorium to be opened so that the additional balcony seats behind them would be usable. You refused to do so. ***Comment 46.15***

**Response to Issue #4:** During the course of the first night of the public hearing, the custodial staff at the high school was asked to open the partitions in the rear of the auditorium so people standing could access additional seats. The custodial staff did so. The Town officials did not refuse to do so, and could not independently reconfigure the auditorium since the school staff had exclusive control.

**SEQRA Issue #5:** The Villages of Chestnut Ridge, Montebello and New Hempstead wish to be reached via telephone as soon as the FEIS is available in order that they can pick up a copy immediately. We know there is a very short comment period and we are anxious to review the FEIS and to have the Planner hired by the Villages prepare comments. Please also call as soon as the Town's Findings Statement is ready. In addition, the Villages request that a public hearing be held on the FEIS and that a referendum on the Comprehensive Plan be held. ***Comment 4.2, Comment 50.1, Comment 51.1, Comment 52.1***

**Response to Issue #5:** There is no requirement pursuant to the SEQRA regulations or otherwise for a public hearing on the FGEIS or for a referendum on the comprehensive plan update. When the Town Board has completed the FGEIS, it will prepare, file and publish a notice of completion of the FGEIS and file copies as required by law. As was done for the DGEIS, all of the villages will receive a copy of the FGEIS after its acceptance by the Town Board. Any other interested persons may request copies of the FGEIS any time after its completion, or may view same on the Town's website. The date of completion will be that of a public meeting of the Town Board.

**SEQRA Issue #6:** The public hearing was also closed before the Rockland County Planning Board gave their opinion and remarks about the DGEIS report. That report may contain relevant comments that members of the public might want to present to you. Further, the citizens of this Town have a right to review that document before public comment is closed on the study. In addition, a Preliminary Corridor Study Report for Route 59 was not made available until after the close of the public hearing, despite efforts by several village officials to receive it, and review it, beforehand. In summary, the Public Hearing should be re-opened and remain open until the Rockland County Planning Department completes its report on the Plan, and it can be studied adequately. In addition, the Hearing should be continued until the Rote 59 Corridor Traffic Study can be studied. At a minimum, the Town should extend the public comment period to allow the public additional time to digest and analyze this document and to assess whether its usage in the Draft Comprehensive Plan is in accordance with sound planning practices. ***Comment 36.6, Comment 36.7, Comment 46.3, Comment 46.4, Comment 46.16, Comment 57.2, Comment 65.3, Comment 86.1, Comment 90.9, Comment 90.10, Comment 116.2,***

*Comment 116.5, Comment 117.4, Comment 117.5, Comment PH2.53, Comment PH2.60, Comment PH2.64, Comment PH2.80*

**Response to Issue #6:** The Rockland County Planning Board submitted written comments to the Town within the comment period. There is no requirement for the County Planning Board to submit comments prior to the public hearing and the town has no control over the timing of the County Planning Board's actions in making its comments. The Route 59 Preliminary Corridor Study Report was provided to those persons requesting a copy and a copy was available for inspection at the Town in advance of the close of the public comment period. This was a public document prepared by the New York State Department of Transportation and was presumably available from the state agency as well.

**SEQRA Issue #7:** The Hearing should be continued until all Town citizens who wish to be heard are afforded the opportunity by a fair or impartial process required by New York State Law. The review process mandated by SEQRA confers rights on the citizens of Ramapo to have a fair hearing on the environmental issues that they wish to raise. Those rights were trampled by the conduct of the public hearing. Unless you reopen the public hearing with appropriate notice to the public, your SEQRA review will be procedurally defective and therefore invalid. *Comment 46.17, Comment 79.1, Comment 86.2, Comment PHI.44*

**Response to Issue #7:** The conduct and timing of the public hearing and comment period were in full compliance with all applicable legal requirements. All persons wishing to speak or submit written comments, or both, were afforded a full and fair opportunity to do so.

Time periods for comment are set forth in 6 NYCRR Section 617.9. A hearing must commence no less than 15 days nor more than 60 days after the filing of the notice of completion of the DGEIS. Comments are to be received for no less than 30 days after the filing of the notice of completion, or no less than 10 days following the public hearing. The DGEIS was received by the Town Board and a notice of completion filed on March 19, 2003. The public hearing commenced on April 28, 2003 (40 days after the DGEIS was noticed as complete) and concluded on April 29, 2003.

**SEQRA Issue #8:** Why do we only have until April 25<sup>th</sup> or 10 days after the close of the public hearing, whichever occurs first, to respond? I would like to request that we be given until at least September so that we have time to do a real analysis of land use and population in Ramapo, to do an independent survey and analysis of population trends in Ramapo. I also request that you provide us with a \$500,000 budget to pay for this analysis. *Comment 69.2, Comment 113.1, Comment 113.7*

**Response to Issue #8:** The period for comment is provided by SEQRA regulations, and this time period has been complied with. There is no requirement that the town provide funding to other persons or entities who wish to study and comment on the DGEIS.

**SEQRA Issue #9:** On an issue of procedure, the recommendations of the Plan and its relation to the Draft Generic Environmental Impact Statement are discussed on the first two pages of the

document. This section discusses the connection between the DGEIS and future actions by the Town under the Plan. This section is very confusing. Please be specific – will any proposed zoning amendment be the subject of detailed review under the SEQRA and what issues will be discussed? What about a summary list? The Master Plan recommends seven basic zoning amendments; exactly how will the SEQRA requirements of Section 617.10(c) be met? The DGEIS recommends further environmental review for all development associated with the Plan's residential land use recommendations. We agree that individual projects should be subject to separate evaluation under SEQRA. *Comment 1.20, Comment 44.3, Comment PH1.38, Comment PH2.96*

**Response to Issue #9:** All future actions, including zoning text and map changes, adoption of other land use regulations, site plans, subdivisions, etc., will be subject to specific reviews.

The DGEIS discusses need for site-specific environmental analyses in a number of locations. As indicated in the DGEIS, all proposed development discussed in this DGEIS will be subject to its own environmental review under SEQRA when such development is proposed in order to evaluate potential project-specific impacts and to identify necessary project-specific mitigation measures (such as site-specific stormwater and traffic improvements). Through that process, the potential impacts described in this DGEIS would be mitigated to the maximum extent practicable. Thus, while those potential impacts have been evaluated in a generic manner herein, reference to them in this DGEIS is not intended to be a substitute for a site-specific environmental review which will still be required on a case-by-case basis at the time that an application for development approval is submitted.

**SEQRA Issue #10:** We would suggest that the Town focus on the cumulative impact of the large number of properties being considered for rezoning. As a result of the rezoning, we can anticipate that, in addition to traffic, the rezonings have the potential to create more pressure on the Town's water resources, sewerage capacity, fire service, police service and schools. Although the DGEIS offers an analysis of many of the anticipated impacts, we feel that in some cases the impact may be minimized or understated. As such, the issues raised would leave one to believe that the standard "hard look" at environmental impacts under SEQRA have not been satisfied by this DGEIS. *Comment 4.1, Comment 11.1, Comment 11.2, Comment 21.2, Comment 26.2, Comment 28.1, Comment 36.9, Comment 48.4, Comment 57.5, Comment 66.1, Comment 66.4, Comment PH1.17, Comment PH1.50, Comment PH2.50, Comment PH2.67*

**Response to Issue #10:** The DGEIS does not minimize or understate any of the impacts which may potentially result from implementation of the Plan recommendations. The DGEIS evaluates the various recommendations contained in the Comprehensive Plan to varying degrees of specificity. Certain issues, such as the proposed rezoning of properties to the proposed multi-family districts and the proposed expansion of the R-15C District in certain areas of central Monsey are evaluated to a rather significant degree of specificity since relatively detailed information was available on the areas involved and since the Draft Comprehensive Plan was specific as to potential development of the areas involved (e.g., recommended permitted densities). Other recommendations in the Plan, such as the recommended mixed-use development areas and the recommendation to increase housing opportunities for seniors are

more conceptual in nature and are thus evaluated in a more generic manner in the DGEIS (such recommendations would need to be evaluated in greater detail if the Town decides to pursue these alternatives and more detailed information on these recommendations can be evaluated). The DGEIS analyzed each recommendation on a separate basis so that the potential impacts of each recommendation could be separately understood and evaluated. This approach did not minimize cumulative impacts. The DGEIS identifies cumulative impacts. For example, Table C-12 in the DGEIS provided estimates of total potential cumulative increases in public water and sewerage. Table C-27 summarized the total population that could result on the involved areas under existing zoning and under proposed zoning, and showed the potential cumulative increase resulting from implementation of the Plan recommendation. The potential impacts to various community services shown in Table C-28 was based on the estimation of cumulative population growth provided in Table C-27. The cumulative impacts related to other issues, such as traffic, could be readily understood upon review of the tables provided in that section of the DGEIS. In this way, the DGEIS satisfies the applicable requirements for such a document. In accordance with NYCRR §617.10(a) of the SEQRA regulations, GEISs “may be broader and more general than site- or project-specific EISs” and may be based on conceptual information or may include an assessment of specific impacts if such details are available. Further, generic environmental impact statements may present and analyze, in general terms, a few hypothetical scenarios that could and are likely to occur.

It should be noted that the Comprehensive Plan is a policy document which *recommends* actions - it does not actually effectuate any changes (e.g., rezoning of properties, administrative approvals of development proposals, etc.). Implementation of Plan recommendations (including zoning text and map changes, adoption of other land use regulations, site plans, subdivisions, etc.) will be subject to its own environmental review under SEQRA when such action is proposed in order to evaluate potential project-specific impacts and to identify necessary project-specific mitigation measures (such as site-specific stormwater and traffic improvements). Through that process, the potential impacts described in this DGEIS would be mitigated to the maximum extent practicable. Thus, while impacts resulting from implementation of Plan recommendation (i.e., physical development of the areas involved) have been evaluated in a generic manner herein, reference to them in this DGEIS is not intended to be a substitute for a site-specific environmental review which will be required on a case-by-case basis at the time that specific proposal is made.

**SEQRA Issue #11:** I question why this document doesn't include a scoping of the Environmental Impact Statement. *Comment PH1.57*

**Response to Issue #11:** The Town Board did not conduct scoping. Scoping is not required.

**SEQRA Issue #12:** The DGEIS discusses the impacts of the proposed rezoning to new Multi-Family Districts and to Planned Residential Development (PRD). The DGEIS admits and documents that the various rezoning proposals will result in greater environmental impacts than existing zoning. The DGEIS then offers: "appropriate measures will need to be taken in the design of the subdivision to mitigate these potential impacts to the greatest extent practicable." What does this mean? The SEQRA review process should discuss the positive and negative impacts of a proposal on the community. Where is the discussion of the beneficial impacts? The

EIS fails to complete an objective analysis of the Master Plan's proposed density increases.  
**Comment 44.11, Comment PH2.101**

**Response to Issue #12:** The “Environmental Resources” section of the DGEIS provides an analysis of the potential impacts to environmental resources that might result from implementation of each of the recommendations in the Comprehensive Plan. In the evaluation of Plan recommendations, where possible and consistent with NYCRR §617.10(a), the DGEIS identified known environmental considerations (e.g., the potential presence of environmental features such as wetlands, steep slopes, etc.), identified potential environmental impacts and identified potential mitigation measures to relative. For example, in the evaluation of the properties previously proposed for PRD zoning, the DGEIS noted that these properties contain a mixture of more environmentally-sensitive lands (which would be preserved) and a sufficient amount of land more suitable for development and identified the number of acres covered by wetlands, waterbodies or floodplains and the number of acres covered by steep slopes. The DGEIS therefore recommended, due to the sensitive environmental resources known to exist on and around these properties, that the Town not take action on these properties (i.e., rezoning to a PRD or other zone) until detailed site-specific SEQRA review has been completed. The DGEIS recommends that the site-specific SEQRA review of these properties include, but not be limited to:

- An evaluation of potential impacts related to geology and soil conditions;
- An evaluation of potential impacts related to topography and slopes, including a cut and fill analysis, discussion of on-site blasting and evaluation of potential impacts to nearby wells and residential structures;
- An evaluation of potential impacts to vegetation and wildlife including identification of vegetation disturbance, identification of potential impacts on fish or wildlife including threatened or endangered species, evaluation of potential impact to areas of particular wildlife value (e.g., wetlands, vernal pools, streams, Timber rattlesnake habitat), an evaluation of potential impacts related to displacement of resident wildlife and an evaluation of potential impacts to the greater ecological community including impacts related to habitat fragmentation;
- An evaluation of potential impacts to wetlands, including potential impacts to identified wetlands functions, impacts of the proposed stormwater management plan on wetland hydrology, and identification of potential sources of pollution to wetlands;
- Evaluation of potential impacts with respect to water supply resources, including an evaluation of potential impacts to the aquifer and nearby wells;
- An evaluation of potential stormwater-related impacts including an evaluation of existing and post development rates of runoff for the 2, 10, 25, 50 and 100 year, 24-hour storm

events, demonstration of compliance with the Town's zero net increase standard, and an evaluation of potential water quality impacts to receiving water bodies;

- An evaluation of potential impacts to historic and archeological resources; and
- An evaluation of alternatives to the proposed development, including a lower density alternative.

Since the precise nature of potential impacts to such resources can only be understood after a detailed site-specific SEQRA review, the DGEIS suggests that appropriate measures be taken in the development design of these properties to mitigate potential impacts to the greatest extent practicable.

Chapter 1 of the DGEIS identified the purpose, needs and public benefits of the Comprehensive Plan. As indicated in that chapter, the primary purpose of the Comprehensive Plan is to "provide a balance between the need to accommodate anticipated population growth and the need to preserve the quality of life and natural resources that make Ramapo a special place to live." The anticipated benefits of the *Plan* would result from effectuation of the goals and objectives contained in the document. The overall goals are as follows:

- Preserving open space, scenic and environmental resources, such as water bodies, wetlands, floodplains, aquifers, steep slopes, and scenic viewsheds.
- Addressing the Town's housing needs and providing for a diversity of housing opportunities for the Town's growing and changing population.
- Maintaining the quality of life in the Town by enhancing and preserving the character of Ramapo's neighborhoods and commercial corridors, maintaining the high quality of community services and facilities provided to Town residents, and providing an integrated and efficient transportation network.
- Promoting a balanced pattern of land use that encourages the concentration of future development in areas with adequate infrastructure and facilities, so as to make efficient utilization of the transportation network and infrastructure, to preserve the Town's environmental and scenic resources, and to provide a variety of additional housing opportunities in areas of the Town most appropriate for such development.

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