Resolution Adopting SEQRA Findings Statement [February 18 2020]

At a Regular Meeting of the Town Board of the Town of Ramapo, held on February __, 2020, the following resolution was moved by Councilperson [__________], seconded by Councilperson [__________], and adopted by a Roll Call Vote of *.*; with[absentions]; [absences]:

RESOLUTION NO. 2020 - ***

ADOPTING SEQRA FINDINGS STATEMENT ON AMENDMENTS TO 2004 COMPREHENSIVE PLAN AND TOWN ZONING MAP

WHEREAS, the Town Board received petitions from Monsey Lumber & Building Supply Inc., submitted in 2013, and 171 N. Pasack Road Corp, submitted in 2014, to change the zoning classification of certain parcels of land in order to allow the development of multifamily housing, and the Town Board, on its own motion, subsequently added additional property to the areas proposed for the Comprehensive Plan Amendment and Zone Change;

WHEREAS, the Town Board conducted its SEQRA review of the proposed Comprehensive Plan and Zoning Map amendments (the “Proposed Action”) by taking the following steps:

1. Directing an initial referral of the proposed Comprehensive Plan and zoning amendments to the Rockland County Planning Department (RCPD) pursuant to General Municipal Law 239-m (GML 239-m) on or about October 2014.

2. Holding multiple public hearings on the proposed Comprehensive Plan and zoning amendments to assure full opportunity for citizen participation in the preparation of the Proposed Comprehensive Plan Amendments, pursuant to Town Law Section 272-a(6), beginning with its initial public hearing, opened in October 2014, and continued to November 12, 2014, December 10, 2014, January 14, 2015, and February 11, 2015, for the purpose of soliciting public comments regarding amendment of the Comprehensive Plan.

3. In February, 2015, assuming SEQRA Lead Agency status, and acting as Lead Agency to conduct a comprehensive environmental review of the Proposed Action pursuant to the New York State Environmental Review Act (“SEQRA”).

4. On February 11, 2015, issuing a positive declaration pursuant to SEQRA, requiring the preparation of an environmental impact statement (“EIS”) to analyze in-depth the potential significant environmental impacts and practicable mitigation measures in connection with the proposed Comprehensive Plan and zoning amendments.

5. On May 13, 2015, holding a public scoping session pursuant to SEQRA in order to solicit public and agency comment on the scope, content, and methodologies for the EIS for the proposed Comprehensive Plan and zoning amendments.
6. On June 10, 2015, adopting a scoping document, setting forth the scope, content and methodologies for preparation of a draft EIS (“DEIS”) on the proposed action being considered by the Town Board, including the proposed Comprehensive Plan and zoning amendments.

7. On April 25, 2018, accepting the Pascack Ridge DEIS, prepared by the Monsey Lumber applicant and including proposed Comprehensive Plan and zoning amendments as an appendix, as complete for the purposes of commencing public review on it.

8. Circulating the DEIS to involved and interested agencies, including the Rockland County Department of Planning, which provided comments upon the DEIS and the proposed Comprehensive Plan and zoning amendments in letters, dated, respectively, August 14, 2018 and August 27, 2018, which the Town Board reviewed and considered.

9. On August 15, 2018, holding public hearings on the DEIS and the proposed Comprehensive Plan and zoning amendments, in order to further assure full opportunity for citizen participation in the preparation of the proposed Comprehensive Plan amendments, and,

10. At the conclusion of those hearings, extending the period for the submission of written comments on the DEIS and the Proposed Comprehensive Plan Amendments until August 27, 2018.

11. On April 8, 2019, accepting the final EIS (“FEIS”) on the proposed action, including the proposed Comprehensive Plan and zoning amendments and directing it be made available on the Town website, circulated to involved and interested agencies and be made available to the public, and directed that in doing so notice be given that the Town would accept written comments on the FEIS. Although SEQRA does not require that a lead agency provide the opportunity to comment on a FEIS, the Town Board notes it elected to surpass the basic procedural requirements of SEQRA in order to ensure even further opportunity for public participation in the preparation and environmental review of the proposed Comprehensive Plan amendments.

12. Thereafter extending the comment period on the FEIS to May 24, 2019.

13. On July 9, 2019, receiving a Technical Addendum (TA) prepared by Monsey Lumber that responded to certain comments submitted on the FEIS to ensure that the record reflected the seriousness with which the Town Board has considered the potential significant adverse environmental impacts related to the proposed Comprehensive Plan and zoning amendments.

14. On July 24, 2019, on receiving a draft of the Proposed Comprehensive Plan Amendment from its planning consultants with a memorandum explaining their recommendations, and on introducing a draft local law to amend the Town Zoning Map (the “Zoning Map Amendment”), the Town Board set a public hearing on the Proposed
Comprehensive Plan Amendment on August 15, 2019, as required by Town Law 272-a, to afford opportunity for public comment on the proposed Comprehensive Plan amendments.

15. On that date, also directing that notice of the hearings be published, posted on the Town website and at Town Hall, and be given to the municipal clerks of adjoining municipalities; that the Proposed Comprehensive Plan Amendment, Zoning Map Amendment, and the TA be made available on the Town website, circulated to involved and interested agencies and be made available to the public; and further directing that in doing so notice be given that the Town Board invited comment on the TA.

16. Thereafter, the Proposed Comprehensive Plan Amendments, Zoning Map Amendment and Technical Addendum were circulated to all involved and interested agencies, with notice of the hearing and that written comment would be accepted until August 30, 2019.

17. The Proposed Comprehensive Plan Amendments, Zoning Map Amendment and Technical Addendum were also made available for public review at the Office of the Town Clerk, the Town Building Department, and the Finkelstein Public Library.

18. On August 6, 2019, the Town delivered those documents to the RCPD with its GML-239 referral of the Proposed Action.

19. On August 15, 2019, the Town Board held duly noticed concurrent public hearings on the Proposed Comprehensive Plan Amendments and Zoning Map Amendment, at which hearings the Town Board also invited and accepted oral and written comment on the Technical Addendum.

20. On that date, after providing opportunity for all present to be heard, the Town Board closed the public hearings, but extended the time for written comment on the Proposed Comprehensive Plan Amendments, Zoning Map Amendment and Technical Addendum until September 3, 2019.

21. On August 30, 2019, extended that written comment period to September 9, 2019 ensure that there would be opportunity to consider any GML 239 comments from RCPD on the Proposed Comprehensive Plan Amendments, Zoning Map Amendment, or Technical Addendum.

22. Thereafter, on reviewing and considering all comments from the public and agencies, including the RCPD GML-239 review comments received on August 30, 2019, directed that the Proposed Comprehensive Plan Amendments be revised to incorporate updated Census information on housing need; to clarify the nature of the housing opportunities needed by residents of the Town to reduce the burden of housing costs; and to clarify that the scope of the area considered for multifamily zoning was limited to Pascack Ridge.

23. On reviewing the revised draft of the Proposed Comprehensive Plan Amendments, prepared on November 22, 2019, directed that the revised Amendment be referred to RCPD for GML-239 review, together with a traffic report and sewer capacity study.
prepared by the Monsey Lumber Applicant to address specific comments raised during the public hearing, so that RCPD would have a full statement, including all materials required by and submitted to the Town Board as an application for the proposed Comprehensive Plan and Zoning Map amendments, including all materials required by the Town Board in order to issue its SEQRA Findings.

24. On December 6, 2019, the Town delivered those documents to the RCPD.

25. On December 24, 2019 the Town mailed a completed referral form to RCPD, with a traffic signal warrant study prepared by the Applicant’s traffic consultant and the analysis of that study prepared by the Town traffic consultant, to ensure that RCPD would continue to have a full statement including all materials required by and submitted to the Town Board.

26. On January 17, 2020, the Town received GML review letters from RCPD on the proposed Comprehensive Plan and Zoning Map amendments, which the Board has reviewed and considered, including comments on the Proposed Comprehensive Plan Amendment, recommending that it consider the suitability of the proposed action to address the housing needs of the Hillcrest area.

27. On February 12, 2020 the Town received the recommendation of its consulting planner, advising that (1) certain parcels, generally on the east side of the Pascack Brook, described in his memorandum dated February 12, 2020, retain their existing single family zoning designation and not be included in the proposed MR-12 Zoning District; and (2) the parcel designated as S/B/L 50.19-1-46, identified as open space on the 2004 Comprehensive Plan map, be included in the proposed MR-12 Zoning District, subject to the filing of a restrictive covenant that prohibits the construction of residential buildings on that lot, restricts the use of that parcel to open space, recreation and/or community facilities, subject to Town consent, and allows the zoning density to be used on other portions of the owner’s property in the MR-12 zoning district, if feasible, subject to all applicable land use and environmental restrictions on the proposed use.

28. On February 12, 2020, the Town accepted a draft Findings Statement prepared by its planning consultants, with the assistance of its special counsel for land use matters.

WHEREAS, the Town Board has had opportunity to review and consider that Findings Statement, which considers the relevant environmental impacts presented in the EIS, proposed mitigation that addresses those impacts, weighs and balances such impacts with social, economic and other essential considerations, and provides the basis on which the Town Board may certify that the SEQRA requirements have been met; and

WHEREAS, the Town Board finds that the SEQRA Findings Statement for the Proposed Action complies with the requirements of 6 NYCRR 617.11(a), in that more than ten days has passed since the adoption of the resolution accepting the FEIS; and
WHEREAS, the SEQRA Findings Statement, annexed hereto, sets forth the Town Board’s reasoned elaboration as to the facts and conclusions as developed in the DEIS, FEIS, the Technical Addendum, dated July 9, 2019, and supplemental traffic and sewer capacity information provided by the Applicant on December 4, 2019, and December 18, 2019, in response to public and involved/interested agency comments, and correspondence, and the comments of the Town’s independent consultants and special counsel for land use and zoning matters, all received as part of the review process relating to the potential environmental impacts of the Project; and

WHEREAS, the SEQRA Findings Statement sets forth the Town Board’s requirements, conditions and/or mitigation measures related to the Proposed Action pursuant to SEQRA; and

WHEREAS, the SEQRA Findings Statement was considered by the Town Board at a public meeting held on February 19, 2020;

NOW THEREFORE BE IT RESOLVED that the Town Board finds, after consideration of the final EIS, that the proposed action is approvable, and that the action chosen is the one that avoids or minimizes adverse environmental impacts presented in the EIS, and weighs and balances such impacts against social, economic and other essential considerations; and

BE IT FURTHER RESOLVED that the Town Board hereby adopts the attached SEQRA Findings Statement for the Proposed Action as its official written findings statement pursuant to 6 NYCRR §617.11(c) of the SEQRA implementing regulations, and authorizes the Town Clerk to file and distribute this Findings Statement in accordance with the requirements of 6 NYCRR 617.12, and to take such other steps as may be necessary to discharge the lead agency’s responsibilities on this action.

__________________________
Sara Osherovitz
Town Clerk

CC: Town Board
    Town Attorney
    Special Counsel
    Finance
    Building, Planning & Zoning
    Assessor
NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

FINDINGS OF FACT AND CONCLUSIONS
PASCACK RIDGE COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE

Implementing Regulations: This Findings Statement has been prepared pursuant to SEQRA, and its implementing regulations, which are set forth at 6 NYCRR 617. The Town Board of the Town of Ramapo, as the Lead Agency, makes the following findings:

Name of Proposed Action: Pascack Ridge Comprehensive Plan Amendment and Zone Change

Description of Proposed Action: The project proposes a Comprehensive Plan Amendment and a Zone Change for the purpose of rezoning 27.6 acres from R-15 Residential District (15,000 square feet per lot) to MR-12 Multifamily (maximum 12 dwelling units per acre). In order to comply with its SEQRA obligations, the Town Board required preparation of an Environmental Impact Statement that considered the potential significant adverse environmental impacts of a conceptual development of a theoretical maximum full buildout of the Site of 290 multifamily dwelling units on the subject property.

Location of Proposed Action: The Proposed Action is located in the eastern portion of the Town of Ramapo on the southwest corner of the intersection of North Pascack Road and Ewing Avenue. It adjoins the Village of Spring Valley to the west and the Town of Clarkstown to the south. The location of the Proposed Action is more particularly known and designated on the Tax Map of the Town of Ramapo as S/B/Ls 50.19-1-44; 50.19-1-45; 50.19-1-52; 50.19-1-51; 50.19-1-50; 50.19-1-49; 50.19-1-48; 50.19-1-47; 50.19-1-46; 50.19-1-71; 50.19-1-72; 57.07-1-3; 57.07-1-4; 57.07-1-2; 57.07-1-5; 57.07-1-7; 57.07-1-8; 57.07-1-8.1; 57.07-1-9; 57.07-1-10; 57.07-1-19; 50.19-1-61; 50.19-1-60; 50.19-1-59; 50.19-1-58; 50.19-1-57; 50.19-1-56; 50.19-1-55; 50.19-1-53; 50.19-1-68; 50.19-1-69; 50.19-1-70; 50.19-1-67; 50.19-1-66; 50.19-1-65; 50.19-1-64; 50.19-1-63 and 50.19-1-62, together with the right-of-way of Christa Lynn Drive, a private road.

Lead Agency: Town Board of the Town of Ramapo
Town of Ramapo
235 Route 59
Suffern, New York 10901
Contact Person for Additional Information: Dennis Lynch, Esq., Town Attorney
Town of Ramapo
235 Route 59
Suffern, New York 10901
Telephone: 845-357-5100

SEQRA Classification: Type I
Date DEIS Accepted: April 25, 2018
Date FEIS Accepted: April 8, 2019
Date Findings Adopted: _____. 2020

Glossary of Terms

Applicants – Petitioners Monsey Lumber and Union Collins Realty (also known as “Monsey Lumber”) and 171 North Pascack Corp. (also known as “Collishaw”).

Proposed Action – A Comprehensive Plan Amendment and a Zone Change for the purpose of rezoning 27.6 acres from R-15 to MR-12 Multifamily (maximum 12 dwelling units per acre). Accompanying discussions of the Proposed Action is the theoretical full buildout of 290 units.

Area of the Proposed Action – The Proposed Action (defined above) would affect approximately 27.6 acres of land which are identified on the Tax Map as 50.19-1-44 through 50.19-1-53; 50.19-1-55 through 72; 57.07-1-2 through 10; 57.07-1-19; and the right-of-way known as Christa Lynn Drive (also known as the “Site” or “Study Area”).

Project – A conceptual development proposal submitted by the Monsey Lumber Applicant for the portion of the Proposed Action owned or controlled by the Applicant. Accompanying discussions of the Monsey Lumber Project are based on the theoretical full buildout of 224 units on that portion of the Site.

Project Area – The area of the Project, as it is defined above, is 21.83 acres of land which are identified on the Town of Ramapo Tax Map as 50.19-1-44 through 53; 50.19-1-55 through 71; 57.07-1-2; 57.07-1-19; and the right-of-way known as Christa Lynn Drive.

Surrounding Area - The area within one thousand (1,000) feet of the Area of the Proposed Action, as it is defined above.

I. INTRODUCTION

This Findings Statement has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act or “SEQRA”) and
its implementing regulations set forth at 6 NYCRR Part 617. It has been prepared by the Town Board of the Town of Ramapo (the “Town Board”), the Lead Agency for the coordinated environmental review of the proposed Comprehensive Plan Amendment, dated July 20, 2019, and last revised February 12, 2020, and the proposed Zone Change (the “Proposed Action”). This Findings Statement relies on the information and analyses contained in the Draft Environmental Impact Statement (“DEIS”) and Final Environmental Impact Statement (“FEIS”), the Technical Addendum, submitted by the Applicant by cover letter dated July 9, 2019, supplemental information responding to comments on the Action provided by the Applicant by cover letters dated December 4, 2019, and December 18, 2019, and all of the comments on these document.

A. Description of Proposed Action

The Proposed Action involves an amendment to the Comprehensive Plan of the Town of Ramapo (“Comprehensive Plan Amendment”) and a zoning map amendment to rezone approximately 27.6 acres from its present R-15 Residential District (15,000 square feet per lot) to MR-12 Multifamily (maximum 12 units per acre\(^1\)) (“Zone Change”) and the conceptual development of a theoretical full buildout of 290 multifamily dwelling units on the Site. Monsey Lumber (“Monsey Lumber”) was the initial project Sponsor and Applicant for the Pascack Ridge Comprehensive Plan Amendment and Zone Change, and the Town Board, on its own motion, subsequently added additional property to the areas proposed for the Comprehensive Plan Amendment and Zone Change.

In making the herein Findings, the Town Board has considered the potential environmental impact that could result from a full build-out of the Site under MR-12 zoning, which could permit a theoretical full buildout of 290 multifamily units.

While neither Monsey Lumber nor any other party is seeking site plan approval at this time, Monsey Lumber prepared conceptual site plans (the “Concept Plans”) to allow for a comprehensive evaluation of the potential impacts of the Proposed Action on a portion of the Site (the “Project Area”). The Project consists of approximately 16 buildings with the ground floor consisting of two-bedroom units and the upper floors consisting of a maximum of five-bedroom units, comprising, in total, approximately 224 units (the “Project”). The buildings are arranged to create six small neighborhoods in a setting that promotes units at different price ranges.

\(^{1}\) The permitted density is subject to the provisions of Section 376-42.A of the Town Code.
The Concept Plans of the Project, along with the community benefits and facilities that it offers, has been revised to take into consideration many of the substantive comments that were received from the different Town and County agencies, adjoining municipalities as well as the public during the SEQRA review process, which included three public hearings.

The Concept Plans propose to preserve substantial open space, including the environmentally sensitive areas, utility easements and areas on the Site that will remain undeveloped and open. The Site can accommodate 8,000 square feet of playground space, which is more than is required for the Project under the MR-12-district bulk requirements, developed as smaller parcels located in different areas near building clusters. The Concept Plans for the Project show open space in and around the Orange & Rockland easement area, which can include community recreation and stormwater management facilities. Other features of the Concept Plans are community facilities for Project residents, parking, stormwater management areas, pedestrian circulation, improvements such as sidewalks, landscaping, bike lanes and internal roadways, along with a Town dedicated roadway. Other than the Town-dedicated road, those facilities will be maintained by one or more Master Homeowners Associations or similar entities, which will be responsible for maintenance and operation of those facilities in a manner consistent with all applicable laws and regulations, including the conditions of any site plan or land use approval.

B. SEQRA Review and Procedural History

The New York State Environmental Quality Review Act (6 NYCRR Part 617) requires that agencies considering discretionary actions, such as the Proposed Action here, assess the potential adverse environmental impacts that could result from a given action.

As a first step in the SEQRA process, a Short Environmental Assessment Forms (EAF) were prepared and submitted to the Ramapo Town Board by the Applicants in 2014 and 2015. Those EAFs provided basic data on the Proposed Action and its potentially significant adverse environmental impacts. The Town Board duly circulated the EAF to the various identified Involved Agencies, together with notice of the Town Board’s intent to serve as Lead Agency for the coordinated SEQRA review of the Proposed Action in order to establish the SEQRA Lead Agency. Without objection from any other involved agency, the Town Board thereafter assumed SEQRA lead agency status.

Upon review of the EAFs, a Determination of Significance, requiring the preparation of a Draft Environmental Impact Statement (DEIS) was adopted by the Town Board on February 5, 2015, based on the potential of the Proposed Action to result in potentially significant adverse environmental impacts. The Town Board then noticed a public scoping session, which was
conducted by the Town Board on May 13, 2015. The Scoping Outline, as adopted, is included in Appendix A of the Pascack Ridge DEIS.

The DEIS, as required by the Lead Agency for the Proposed Action, provided (among other things) the description of the Proposed Action, including the need for and benefits of the project, environmental impact analyses related to the action, an analysis of reasonable alternatives to the Proposed Action, and identification of potential measures to mitigate potentially significant adverse impacts.

The DEIS was submitted to the Lead Agency and, after being found complete, was circulated for review and comments to the required DEIS distribution list. A Notice of Acceptance of DEIS and public hearing was published on the New York State Department of Environmental Conservation (NYSDEC) Environmental Notice Bulletin (ENB) on August 8, 2018. Among other things, the notice provided a brief description of the project and information on locations where copies of the DEIS was available.

The public hearing on the DEIS was held on August 15, 2018 at 7:00 PM at the Ramapo Town Hall. Public hearings on the Comprehensive Plan and Zoning Map amendments being considered by the Town Board were also held at that time.

The FEIS, which responded to all substantive comments on the DEIS, was accepted by the Lead Agency on April 8, 2019 and distributed to all agencies and interested parties and was also posted on the Town website. Although not contemplated by SEQRA, the Town Board provided an extended period to receive written public comments on the FEIS until May 24, 2019.

The Town Board received a draft of Comprehensive Plan amendments prepared by its consulting planner and introduced a local law rezoning the Project Area for consideration. The Applicant thereafter submitted a Technical Addendum, which responded to certain comments on the FEIS. The Town Board scheduled public hearings on the Comprehensive Plan and zoning map amendments for August 15, 2019.

The Town Board circulated the Technical Addendum with notice of the public hearings to involved and interested agencies, as well as adjacent municipalities. Although not required by SEQRA, the Town Board also gave notice that it invited comment from all involved and interested agencies and the public on the Technical Addendum on August 15, 2019. Following the close of the hearings, the Town Board provided another extended written comment period until September 9, 2019.
On considering the comments received on the Comprehensive Plan, the Town Board directed that the amendments be revised. These revised amendments are an attachment to the cover memorandum from Frederick P. Clark Associates dated November 22, 2019. Supplemental information pertaining to discrete comments on traffic and sewer service was provided by the Applicant with a letter dated December 4, 2019 and December 18, 2019.

The following is the timeline of the SEQRA process for the Pascack Ridge Comprehensive Plan Amendment and Zone Change to-date:
### FINDINGS OF FACT AND CONCLUSIONS

#### PASCAK RIDGE COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
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<tbody>
<tr>
<td>October 22, 2014</td>
<td>Public Hearing - Proposed local law amending Law No. 10-2010 (zoning), as amended, to change the Zoning Map of the Town of Ramapo (petition of 171 N. Pascack Road Corp. and Monsey Lumber Company) and an amendment to the Comprehensive Plan of the Town of Ramapo.</td>
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<tr>
<td>November 12, 2014</td>
<td>Continuation of Public Hearing.</td>
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<tr>
<td>December 10, 2014</td>
<td>Continuation of Public Hearing.</td>
</tr>
<tr>
<td>January 14, 2015</td>
<td>Continuation and closing of Public Hearing and Adoption of Positive Declaration for the Proposed Action.</td>
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<tr>
<td>February 11, 2015</td>
<td>Continuation and closing of Public Hearing and Adoption of Positive Declaration for the Proposed Action.</td>
</tr>
<tr>
<td>May 13, 2015</td>
<td>Public Scoping Session held and closed on the Draft Scope for the Pascack Ridge project.</td>
</tr>
<tr>
<td>April 25, 2018</td>
<td>Draft Environmental Impact Statement accepted as complete by the Ramapo Town Board.</td>
</tr>
<tr>
<td>August 15, 2018</td>
<td>Three Public Hearings held simultaneously on Draft Environmental Impact Statement, Comprehensive Plan Amendment and Zone Change.</td>
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<tr>
<td>August 27, 2018</td>
<td>Period to receive written public comments closes.</td>
</tr>
<tr>
<td>April 8, 2019</td>
<td>Final Environmental Impact Statement (FEIS) accepted as complete by the Ramapo Town Board. 21-day comment period established to received written comments on the FEIS.</td>
</tr>
<tr>
<td>May 24, 2019</td>
<td>Extended period to receive written comments on FEIS closes.</td>
</tr>
<tr>
<td>August 5, 2019</td>
<td>Applicant submits Technical Addendum to the FEIS, which was circulated to involved and interested agencies with the notice of public hearing required by GML 239-nn.</td>
</tr>
<tr>
<td>August 15, 2019</td>
<td>Two Public Hearings held simultaneously on the Comprehensive Plan and zoning law amendments, including the FEIS comments and Technical Addendum to the FEIS submitted by the Applicant.</td>
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II. SUMMARY OF IMPACTS, PROPOSED MITIGATION AND SPECIFIC FINDINGS

Following, as identified in the Draft EIS, Final EIS, the Technical Addendum, and the supplemental information provided by the Applicant, are descriptions of the anticipated impacts and benefits resulting from the Proposed Action, the proposed mitigation measures that the Town Board has identified and will require to be incorporated into the Proposed Action, and the findings of the Ramapo Town Board based on the record before it.

II.1 Geological Resources

As reflected in Table 17 of the DEIS, which is based on the United States Department of Agriculture Soil Survey for Rockland County, the Site consists predominantly of Wethersfield gravely soil loam, which occupy more than 50% of the Site. These are very deep, well drained soils. Approximately 30% of the Site is occupied by Rippowam sandy loam, which are very deep, nearly level and poorly drained soils. The remaining portion of the site consists of mostly CuB, Cheshire-Urban land complex, and WuB, Wethersfield-Urban land complex (2-8%) and very small portions of CrB, Cheshire gravelly fine sandy loam.

The existing topographic slopes of the Site, which are shown in DEIS Figure 16 (“Slope Map”), show that the approximately 27.6-acre Study Area is split by slopes under 10%, which take up approximately 14.8 acres, and approximately 10.9 acres by slopes of 10 to 25%, with only about 1.9 acres being in excess of 25%. The areas of steep slope are concentrated along the banks of the Pascack Brook, which are steeply but not extensively sloped, and at two narrow bands that parallel the Brook, but which immediately blend into lesser slopes. Land elevations on the Site range from 100 feet near the Pascack Brook on the southern portion of the Site, to a plateau of approximately 500 feet in the western portion of the Site.
The Study area is predominantly composed of soils that have a depth to bedrock greater than 5 feet and a depth to the water table of 0.5 to over 6 feet.

Potential Impacts

The soils on the Site are suitable for development with few limitations, and the Applicant intends to balance all phases of construction so that all excavated soils will be used for the purposes of landscaping. With the incorporation of the erosion and sediment controls and stormwater management plan discussed below, no significant adverse impacts are anticipated relating to soil. The estimated disturbance from the Proposed Action is 12.3 acres or approximately 45% of the Project Area.

Grading will be required to build access roads, install site utilities, prepare level areas for dwellings and install drainage improvements. In the absence of appropriate measures, the Proposed Action could cause erosion and sedimentation during construction and, post-development, a deterioration of stormwater quantity and quality as compared to pre-development conditions. Disturbing the slopes and grading of the site could lead to increased erosion and runoff as vegetation will be temporarily removed in some areas. Increased dust could be generated in dry weather conditions. These impacts will be temporary, and when Project construction is complete, the Project Area will be revegetated.

Mitigation Measures

As represented by the Monsey Lumber Applicant, all construction in the Study Area in connection with the Proposed Action will be subject to the requirements of the NYS SPDES General Permit for Discharge of Storm Water from Construction Activities, which incorporates the NYSDEC Stormwater Management Design Manual. The General Permit will require preparation of a Stormwater Pollution Prevention Plan (SWPPP) for the Project, which must include a Sediment and Erosion Control Plan designed and installed in accordance with the New York State Soil Erosion and Sediment Control Manual.

In addition, the Town of Ramapo is an MS4 community. Chapter 237 of the Town Code requires preparation of a Storm Water Pollution Prevention Plan that conform to the Town Code and the requirements of the DEC SPDES General Permit, provides for bonding of improvements, inspections during construction, escrow and enforcement of the SWPPP to ensure that it is properly implemented during construction, and that adequate post-construction measures are in place and maintained pursuant to a written agreement between the property owner and the Town, as discussed more fully in Section II.3 herein.
Both the Erosion Control Plan and the SWPPP must be designed to address water quality and stormwater management conditions on the Site and must be approved by the Town of Ramapo Department of Public Works or the Town’s engineering consultant before the Applicant can obtain coverage under the General Permit. Temporary and permanent stabilization methods must be implemented before construction begins and must be continuously modified throughout construction to ensure that best methods for stormwater management and pollution prevention are provided.

The SWPPP must ensure that all runoff is qualitatively and quantitatively managed. Implementation of the SWPPP must include the Applicant’s inspection of controls and the Town’s monitoring and enforcement as required by all applicable local, County and State laws, and the NYSDEC Permit Requirements.

The Applicant is required to hire a qualified inspector to perform weekly SWPPP inspection during all phases of the construction. The inspection report will be circulated to all involved parties including the MS4 officer. The inspection log will be maintained on the Project Area in a SWPPP mailbox. At the same time, inspectors from Town will overseeing the construction, reviewing the reports from qualified inspector, and monitor the Site as per the report and ensure that any necessary corrective action is taken.

Best Management Practices (BMPs) that must be followed in the development of the erosion control plan are diverting clean surface water before it reaches any active construction area, and deaccelerating and distributing stormwater runoff through natural vegetative buffers or structural means before discharging it to off-site areas. Silt fences must be used to define the limit of work and wooded and wetland areas that will not be regraded and will be retained in their existing condition until the developed areas are completed and stabilized. Sediment runoff which occurs on the Project Area must be trapped prior to reaching critical areas like wetlands. Because some of the major improvements for the Project, such as parking areas, access roads and buildings, will require disturbance of the existing topography, the following engineering standards shall be implemented as appropriate in the development of the site specific SWPPP during site plan review: silt fences, retaining walls, inlet protection, temporary sediment basins, temporary swales, vegetative measures, site disturbance, construction entrance, temporary stockpile, dust control measures and slope stabilization.

Permanent stormwater management systems must be installed in conjunction with residential construction and the DEC General Permit requires that a stormwater management agreement with the Town be in place before construction coverage can be terminated. That agreement must bind all future property owners to maintain the stormwater controls on their property, including the permanent storm water basins, and provide that a thorough
inspection, maintenance and repair program must be in place which will be regularly monitored by the Town of Ramapo and the Applicant in accordance with Chapter 237 of the Town Code.

Findings

The Town Board has considered those comments that express concern that rezoning this property for the development of multifamily housing would necessarily impact the environmentally sensitive areas on the property and finds that the Proposed Action’s potential impacts to soils, topography, and geology can be mitigated through the implementation of an Erosion and Sediment Control (ESC) Plan to address potential soil erosion and dust that could occur during construction and a Storm Water Pollution Prevention Plan (SWPPP) to ensure that, post-development, all runoff is qualitatively and quantitatively managed. Chapter 237 of the Town Code provides the necessary means to monitor and enforce implementation.

The Town has also considered those comments that suggest a detailed SWPPP and the details of a site development plan should be provided before the Town Board considers action on the Comprehensive Plan amendments and rezoning, and finds that compliance with the regulatory requirements of the Town Code and other regulatory requirements applicable to any proposed site plan, when site specific details are identified, considered and addressed, is appropriate. As with any use allowed by zoning, the Town Board recognizes that the submission of a detailed site plan prepared in accordance with the Town Code may require additional SEQRA review of that plan.

II.2 Vegetation, Wildlife and Wetlands

The Study area is located within the Triassic Lowlands ecological zone. The Lowlands lie within the oak-northern hardwood and natural vegetation zone. Most of the land in this zone supports forests. The forested land and general ecosystem of the Study area is depicted in Figure 18, Ecosystem Habitat provided in the DEIS.

Per the United States Geological Survey, the ecosystem habitat of the Site is comprised of Northeastern Interior Dry-Mesic Oak Forest, Appalachian Hemlock-Hardwood Forest, Central Appalachian Pine-Oak Rocky Woodland and Central Interior and Appalachian Swamp Systems.

All the land on this property shows signs of having been utilized for agriculture in the past. None of the land appears to have been continuously forested. All of the areas contemplated for development are on previously disturbed land.
The Study area does not contain any designated significant natural community. It also does not contain any species of plant or animal that are listed by the federal government as endangered, threatened or rare, nor does it contain any areas identified as habitat for an endangered or threatened species (per the New York Natural Heritage Program and the EAF Mapper, and as confirmed in a Wildlife Habitat Assessment, prepared by Ecological Analysis, dated June 27, 2019). Although there was no evidence of habitation by the only “species of concern” that could potentially inhabit the Site, the Eastern hognose snake, this snake is known to be adaptable to the suburban environment such as is being proposed for this property (Technical Addendum Section IV – Ecology). The Study area does not contain all or part of, nor is it substantially contiguous to, a registered National Natural Landmark. It is also not located in, or adjoining, a state or locally listed Critical Environmental Area (per EAF mapper provided in the DEIS).

The principal landforms at the area are upland successional southern hardwood forest and the Pascack Brook, a streambed with a narrow area of freshwater wetlands along its banks that collects the runoff from both this area and adjoining contributing watershed areas. The forest of the area is mostly composed of early successional, light-loving species (hickories, oaks, elm, tulip, poplar, etc.) and contains such elements as old stone walls and abandoned lanes.

Field reconnaissance was conducted, which noted geological features, vegetation structure, plant species and abundance, animals, human impacts, etc. (DEIS Section 4.3 – Vegetation, Wildlife and Wetlands). These results remain the same as no changes to the findings or soil disturbance has occurred. Two distinct ecological communities were identified on-Site: Successional Southern Hardwoods and Red Maple or Hardwood Swamps. As confirmed in a jurisdictional determination dated October 9, 2018, the United States Army Corps of Engineers has jurisdiction over wetlands that generally occupy the lower portion of the Site below the paper street denominated the Ewing Avenue Extension within the Orange and Rockland utility easement and within and along the Pascack Brook, which will remain undisturbed (FEIS, Appendix G).

As part of site plan review, the Applicant may be required to obtain an Environmentally Sensitive Area (ESA) grant condition waiver from the Environmental Protection Agency and NYSDEC, in order to allow certain parcels to be served by the Project’s connection to the sanitary sewer. As the ESA designation was placed on parcels with wetlands, and as the conceptual development plan does not propose to impact wetlands, it is anticipated that an ESA waiver will be granted prior to site plan approval.

The ecological communities on-Site are all common and this Study area reflects hundreds of years of human impact. All the land on this Site shows signs of being utilized for agriculture. No parcels of land seem to have been continuously forested, nor were there any endangered or
threatened plant or animal species found. All of the areas to be developed are on previously disturbed land (DEIS Section 4.3 – Vegetation, Wildlife and Wetlands). The existing power line, the existing sewer line and an on-site network of rock walls all constitute existing development.

Pascack Brook within the boundaries of the Pascack Ridge area is a low gradient watercourse composed of a rocky bottom with a substrate of mostly fine sand-sized particles. The watercourse flows through a forested wetland along its entire course through the property. The watercourse has a dense canopy cover throughout most of its length on the property. The cover probably plays an important role in decreasing summer water temperatures to ranges that are suitable for fish survival, although the stream is too shallow over the majority of its length through this Site to support any fish. None of the fish that may be found in Pascack Brook would be classified as endangered, threatened, or species of special concern (Technical Addendum Section C.IV - Ecology). There is adequate riparian vegetation that helps stabilize the watercourse bank. Deeper runs, pools and complex structures such as deadfalls and boulders are also present in the watercourse to a limited degree. The wetlands around the Study area typically occur in valleys with slow, seeping streams. These areas may have been pastureland long ago but are now mainly a red maple wetland located along the stream corridor.

Pascack Brook contains a diverse macroinvertebrate community, whose composition of species could be greatly influenced by watercourse habitat. No fish, mayflies, stoneflies, or caddisflies were observed. Macroinvertebrate sampling found the presence of a few macroinvertebrates that included aquatic insects (Insecta), snails (Gastropoda), clams (Bivalvia), sow bugs, blackflies, crane flies, and dragonflies.

Potential Impacts

The proposed Project contemplates the preservation of sensitive areas on the Project Area, including the Pascack Brook and the surrounding freshwater wetlands. The proposed development will not disturb the wetlands on the Project Area. The 100-foot wide Orange and Rockland utility easement, which will not be encumbered with impervious surfaces, effectively provides a substantial buffer between the proposed development and the Pascack Brook.

The design proposed for the ProjectStudy Area demonstrates that it is possible to avoid any significant adverse impact to the wetlands, floodplains or waterbodies on site, directly or indirectly, reflecting the opportunity multifamily development generally allows for greater flexibility in the provision of needed housing. The Applicant has represented that any proposed development on the Project Area will maintain perimeter trees to the maximum extent possible.
Development of the Pascack Ridge area will require removal of existing vegetation and accompanied habitat disturbance. Impacts to geological resources on site could result in the alteration of drainage patterns for the Pascack Brook due to increased runoff if not addressed by the required stormwater management practices. Similarly, water quality conditions such as dissolved oxygen levels and substrate composition could also be affected by watercourse velocity and nutrient loading if not addressed by the required stormwater management practices. The NYSDEC Design Manual requires at least 40% nutrient removal (Total Phosphorus (TP)) to address water quality mitigation at the discharge outlet. The proposed infiltration basins will be designed to achieve this goal, and the Applicant has represented that the Master Homeowners Association(s) or similar entities will avoid or minimize the use of landscaping fertilizers on landscaped areas.

Mitigation Measures

1A. Construction. The site plan for development in the project area will include measures, including a soil and erosion control plan governing construction activities, and a Storm Water Pollution Prevention Plan to protect the Pascack Brook and the wetlands on the Project Area. A soil and erosion control plan and a SWPPP must be prepared during site plan review for all areas proposed for development. The SWPPP must comply with applicable NYSDEC requirements and requirements of Chapter 237 of the Town Code.

1B. Post Construction. As noted, any site plan must also include a SWPPP that complies with all applicable NYSDEC requirements and the requirements of Chapter 237 of the Town Code, including post-construction storm water and water quality facilities and practices maintained pursuant to the terms of a storm water management agreement between the Applicant and the Town.

At a minimum, drainage facilities and the infiltration basin will be built in the first stages of the Project to protect the existing natural habitat and areas on the Project Area. When the construction is completed and all the proposed stormwater management facilities are installed, the qualified inspector will perform a final inspection and certify that the Project Area has gained at least 80% stabilization and that all of the post development stormwater management facilities are installed as per the approved plan. Then a Notice of Termination (NOT) will be filed upon approval from the MS4 officer and submitted to NYSDEC for project completion.
1C. Detention ponds must be designed to provide and maintain water quality measures and to manage peak flow runoff effectively.

1D. The post-construction stormwater quality basins must have a forebay to initially treat the stormwater by allowing settling out of any particulate matter and a planted basin that will filter any undesirable pollutants before discharging the treated water into Pascack Brook. After the installation of the infiltration basins, they will be periodically inspected and maintained in accordance with the filed maintenance agreement executed in accordance with Section 237-14 of the Town Code.

1E. The Planning Board must ensure during site plan review that any proposed use of the Orange and Rockland utility easement for recreational purposes does not compromise the easement’s ability to provide buffering function for the Pascack Brook.

1F. Since the Site has no identified species or plant species categorized as threatened or endangered, no wildlife mitigation is required.

Findings

Based on the record set forth in Section 4.3 of the DEIS, Section 4.3 of the FEIS, and Section IV of the Technical Addendum, as well as the review and consideration of information provided by members of the public, the Board finds that the adverse impact on species occupying or using the Site would not be significant in that the Site was originally disturbed by agricultural activities, more recently by installation of the Central Hudson transmission line and maintenance road, as well by the development of Christa Lynn Drive and several parcels; the record indicates that the Site has since been occupied by typical urban-suburban species that are anticipated to find suitable habitat in the general area of the Site. The Board notes that the Applicant’s Concept Plans show that a substantial portion of the Site not being disturbed, and that the utility right-of-way provides some opportunity to maintain north-south connectivity of habitat areas. Further:

1A. The Proposed Action will not adversely impact threatened or endangered species inasmuch as the Site is not home to any identified wildlife species categorized as threatened or endangered.

1B. The Proposed Action will also not significantly adversely impact species of concern since the only “species of concern” that could potentially inhabit the Site, the Eastern
hognose snake, is known to be adaptable to suburban environment such as is being proposed for this property.

2. The mitigation specified above is required to ensure that the development of the Project Area does not adversely impact drainage patterns for the Pascack Brook due to increased runoff or deteriorated water quality.

3. The mitigation specified above is also required to ensure that the development of the Site does not adversely impact the function of the wetlands adjacent to Pascack Brook by filtering sediments and nutrients from runoff before it reaches the Brook and in retaining stormwater as prescribed in the New York State Standards and Specifications for Erosion and Sediment Control.

II.3 Ground Water and Surface Water Resources

Pascack Brook, 865-171, is classified by DEC as a Standard C, Class C water body. The standards refer to the Official Compilation Code, Rules, and Regulation of the State of New York, Chapter X – Division of Waters. These values govern water quality standards for taste, color, odor-producing and toxic deleterious substances. The water quality should be suitable for primary and secondary contact recreation. The Site is not located in a Total Maximum Daily Load (TMDL) Watershed.

The New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetlands Map of the Park Ridge NJ-NY Quadrangle, Rockland County Map indicates that no State regulated wetlands are located on the Site. As confirmed in a jurisdictional determination dated October 9, 2018, the United States Army Corps of Engineers has jurisdiction over wetlands on the Site, which are largely located in the lower portion of the Site below the paper street denominated the Ewing Avenue Extension within the Orange and Rockland utility easement and within and along the Pascack Brook. The Applicant represents that all Army Corps wetlands will remain undisturbed (FEIS, Appendix G). The Site is located within a FEMA Flood Insurance Rate Map (FIRM) Zone AE. The floodplain boundaries on the Site essentially track the Pascack Brook. No construction will occur in the FEMA 100-year floodplains. See DEIS Figure 19: Wetlands Map and Figure 20: Flood Hazard Map.

The soils on the Site belong to Hydrological Soil Groups “B” and “C,” which generally possess satisfactory infiltration characteristics, and therefore are suitable for water quantity and quality mitigation. The soil condition was provided based on the USDA Soil Survey Map. As discussed in Section I.I of the Technical Addendum (“Stormwater”) adequate areas exist on the Site for stormwater management for the scale of development that is being proposed, to ensure that the
rate of stormwater runoff will be the same or less, and the quality of stormwater runoff will be the same or better in the post-development condition as compared to the pre-development condition.

Pascack Brook is a County waterbody and applicable standards and procedures in the County Code will apply to development in the Brook or any adjacent regulated area.

During site plan review, when the ultimate locations for stormwater management practices are evaluated, the Applicant will perform infiltration and deep hole tests pursuant to the requirements of the NYSDEC. The stormwater management design plan will be finalized based upon soil test report. The NYSDEC requires that the proposed stormwater infiltration basins be located in areas with slopes less than 15%. The proposed development plan for the Project Area will be in compliance with NYSDEC regulations and will include infiltration basins designed to infiltrate the entire water quality volume through the basin floors to recharge groundwater aquifers as per the NYSDEC’s green infrastructure practice.

The proposed Concept Plans for development under the MR-12 zone would result in a grading/disturbance that is similar to the amount of grading/disturbance associated with development under the existing zoning regulations. [Source]

Potential Impacts

Development of the Pascack Ridge area will result in an increase in impervious surface area and associated removal of vegetative cover. These factors have the potential to alter the natural sediment and stormwater storage capabilities of the site causing pollution of on-site wetlands and watercourses if not managed properly. This increase in impervious surfaces will result in an increase in peak runoff from the post development Project Site requiring the implementation of a stormwater management plan.

As discussed in II.1 – Geological Resources, the SWPPP will provide construction and post construction management practices that comply with the NYSDEC General Permit and Chapter 237 of the Town of Ramapo Code. The conceptual stormwater management plan in the Technical Addendum shows how certain areas on the Project Area could be allocated as stormwater management basins adequate to manage the volume and water quality of stormwater runoff from the developed areas shown on the Concept Plans. It is understood that the final locations and sizes of stormwater management basins that meet the requirements of the DEC General Permit for Discharge of Stormwater from Construction Activities and Chapter 237 of the Town Code will be developed as part of a stormwater
pollution prevention plan during site plan review and approved for filing with DEC by the Town’s MS4 official, in consultation with the Town engineer.

Pascack Brook is a County waterbody. While the Project does not propose any regulated activity in the regulated areas of the Brook, the standards and procedures in the County Code for development will apply in the event any development is proposed in the regulated areas of the Brook.

Mitigation Measures

The review and approval of any site plan for development of the Project will be conditioned on the development of an ESC Plan that minimizes soil erosion and sedimentation during construction, and a SWPPP that ensures that the rate of stormwater runoff will be the same or less, and the quality of stormwater runoff will be the same or better in the post-development condition as compared to the pre-development condition. The SWPPP must include Best Management Practices to treat water and limit peak runoff rates and include temporary and permanent erosion and sediment control measures. To mitigate the increased runoff from impervious surfaces, infiltration basins shall be designed per the NYSDEC Design Manual during the site plan review process. Peak flow for larger storm events must be controlled with an outlet structure to maintain or reduce peak flow rates from the Project Area during a storm event. Smaller storms will be infiltrated with no runoff leaving the Project Area.

The construction will be done in phases and a detailed phasing plan will be prepared as per the Sediment and Erosion Control Plan, in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. A detailed operation, inspection and maintenance measures for the proposed stormwater management practices will be included as a part of the full SWPPP report, which will be reviewed by the Town’s MS4 official for consistency with the requirements of the DEC General Permit for Discharge of Stormwater from Construction Activities and the Town Code before it can be filed with DEC to obtain coverage under the General Permit for any site development activities.

As required by the DEC General Permit, site preparation activities shall be planned to minimize the area and duration of soil disruption.

Temporary and permanent erosion and sediment control measures that must be applied during construction include minimizing soil erosion and sedimentation by stabilizing the disturbed areas, removing sediment from construction site discharges, and preservation of existing vegetation, especially in designated buffers and/or in proximity to wetlands and Pascack Brook, to the maximum extent practical. The Planning Board must include site plan
approval conditions that will require preconstruction conferences with Town staff and contractors, installation of construction fencing and signage to clearly mark limits of disturbance and Town inspections to ensure that site activities take place in accordance within the limits of disturbance on the approved plans and that environmentally sensitive areas are protected.

After construction, site soils must be restored by deep ripping and decompaction as part of the SWPPP requirements. Soil stabilization will be conducted in the stabilization phase of the project. Areas subject to topsoil stripping without grade change must be aerated with either a coulter making narrow strips, spiked rollers, or prongs functioning as a mini subsoiler. Areas that experience cutting and filling or heavy construction traffic will be fully restored per the NYSDEC Design Manual.

Upon completion of construction activities in any portion of the Project Area, the site contractor will notify Town staff of its intent to permanently stabilize that portion of the Project Area, and its schedule for filing the General Permit Notice of Termination of Coverage, if applicable, so that appropriate inspections may be scheduled. All temporary controls will be removed and permanent vegetation shall be established on all exposed soils.

Pursuant to Section 237-14 of the Town Code, the Applicant must, prior to site plan approval, execute a maintenance easement that shall be binding on all subsequent landowners, which shall provide for access to the stormwater management facilities for periodic inspection by the Town of Ramapo to ensure that the facilities are maintained in proper working condition. The maintenance agreement establishes procedures for routine inspection and maintenance of the facilities, which will be reviewed and approved by the Town Attorney and MS4 Engineer.

Findings

The Project Area can be developed without significant adverse impacts to the quality or quantity of water leaving the Project Area through the development and implementation of a SWPPP that conforms to the requirements of the DEC General Permit and Chapter 237 of the Town Code. There are adequate areas on the Project Area to provide infiltration basins for the scale of development that is being proposed to ensure that the rate of stormwater runoff will be the same or less, and the quality of stormwater runoff will be the same or better in the post-development condition as compared to the pre-development condition, as required by the DEC General Permit and Chapter 237. The locations for stormwater practices must be developed during the site plan review process including through percolation tests,
as necessary. Infiltration and deep test hole will be performed pursuant to the NYSDEC Design Manual, Appendix D.

A comprehensive Erosion and Sediment Control Plan along with details and specifications will be prepared as a part of the site plan review process. A full Stormwater Pollution Prevention Plan report will ensure compliance with the General Permit and Chapter 237, including with respect to the operation, inspection and maintenance for each stormwater management practice used on Project Area. Both the ESC Plan and the SWPP will be reviewed by the Town of Ramapo Planning Board and MS4 Engineer and approved for filing with DEC for General Permit coverage before they are filed.

With the mitigation measures described above, the Town Board finds that the potential significant adverse impacts of increased runoff and impervious surfaces on groundwater and surface water resources will be avoided or mitigated to the maximum extent practicable.

II.4 Utilities

3.4.1 Water and Wastewater

Existing Conditions

Potable water for the Project will be supplied from SUEZ Water New York (formerly United Water), which is a private community water system serving the residents of Rockland County. SUEZ operates and maintains a distribution system ranging from 4-inch to 16-inch pipes with water obtained from both a network of groundwater wells and surface water from Lake DeForest in the Town of Clarkstown. The DeForest Lake Filtration Plant operates under SPDES Permit #NY0037265.

The preliminary site plan for the Project will include calculations of the demand for water, which will be submitted to SUEZ for a Willingness to Serve letter. Once SUEZ approves these calculations, it will forward the submission to the Rockland County Health Department for review and approval. The Rockland County Health Department’s approval will then be provided to the Planning Board.

There is an existing 12-inch diameter water distribution network on Ewing Road and Pascack Road. SUEZ issued a “willingness to serve” letter, dated July 8, 2019, which states that “water service can currently be made available to the proposed subdivision using a maximum daily demand of 166,400 gallons per day.” SUEZ also indicates that, with the extension of the watermain, by connecting to the 12-inch watermain on Ewing Avenue and North Pascack
Road, sufficient pressure and flow will be available to provide domestic and fire protection to the proposed subdivision.

A wastewater disposal pump station in the Town of Clarkstown conveys sewage to the Rockland County Sewer District No.1 Sewage Treatment. The Sewage Treatment Plant is located on NYS 340, Orangeburg, New York. The wastewater treatment facility operates under NYSDEC Permit #NY0031895. The facility has a 28.9 million gallons per day (MGD) capacity and discharges treated effluent to the Hudson River. An existing 24-inch diameter reinforced concrete sewer trunk line traverses the Site in an existing easement from north to south.

That line was recently constructed, and includes an eight-inch (8") stub pipe, not currently in use, which was designed to serve the Project area. The 24" pipe has a capacity of 1,900 gallons per minute (gpm). To address the Sewer District’s comment that a sewer capacity analysis would be required in order to connect to the trunk line, Tam Enterprises monitored the flow in the 24" pipe every 30 seconds from November 18, 2019 to November 25, 2019 flow meter. The data from this monitoring showed that the peak flow at any point during that week was 1,342 gpm. While that flow rate appeared to be an anomaly, as the flow throughout the week at all other times was much lower.

While the pump station serving the sewer system for the Site is owned and maintained by the Town of Clarkstown, this does not affect the Project’s ability to connect to the Rockland County Sewer Main. All permitting actions in relation to the connection to the sewer main via laterals is solely the purview of RCSD No. 1. The Town of Clarkstown does have a Department of Facilities and Engineering Management that monitors rehabilitations and repairs to sewer mains that it owns.

Potential Impacts

No impacts are projected in connection with the water supply for the area subject to the proposed rezoning. As noted, SUEZ has issued a willingness to serve letter stating that it can provide water in excess of the projected demands for the Project. Domestic and fire service for the proposed development will be supplied by the SUEZ water distribution system, as there is more than adequate flow capacity to serve the proposed development.

No impacts are projected in connection with the sewer service for the area subject to the rezoning. As such, even in the worst case, based on the anomalous peak flow event, and the unlikely circumstance of that maximum peak flow rate through the 24" pipe occurring at the exact same time as the Project’s anticipated maximum rate of flow, the 24" pipe
would still have 20% capacity remaining (see letter from Atzl, Nasher & Zigler, PC dated December 4, 2019 submitted with letter from Zarin & Steinmetz dated December 5, 2019 regarding comments on the Technical Addendum).

Mitigation Measures

The Applicant, or anyone developing pursuant to the proposed rezoning, must present site plans for review and consideration by the Town Planning Board, and file applications with the relevant agencies, including Rockland County Sewer District No. 1. Detailed engineering and design plans must be included in any such site plan application(s). Water demand, final sewer flow calculations, and the final number and location of fire hydrants will be decided during site plan review, with approval from the Town of Ramapo Fire Inspector and the Public Works Department, as relevant.

All new water mains must be offered for dedication to Suez. No components of the proposed on-site water supply facilities are proposed to be dedicated to the Town.

Potential impacts generated by installation of utilities during the construction phase of the project are short-term in nature. As discussed in Section 4.4 in the DEIS and elsewhere in the EIS, those impacts will be avoided or minimized by the development and implementation of a Soil Erosion and Sedimentation Control Plan. Once construction is completed and disturbed areas are stabilized, no further soil erosion impacts are anticipated from the wastewater disposal system.

To prevent leakage or cross-contamination, the proposed water supply system must be designed to meet, or exceed, all applicable standard specifications, guidance, and regulations including those established by Recommended Standards for Water Works by Great Lakes-Uppper Mississippi River Board of State and Provincial Public Health and Environmental Managers, 2012 Edition (10 State Standards), State and County Health Codes.

Findings

The proposed water and sewer systems must be designed to meet all applicable standard specifications, guidance and regulations. These requirements will be implemented during site plan review. Therefore, the proposed Action does not have the potential for significant adverse environmental impacts on water or sewer resources.
While the Town Board notes the Rockland County Planning Department comment that the Applicant's December 4 letter report on the capacity of the RCSD sewer main was not provided to the Sewer District yet, the Town Board, as Lead Agency, has consulted with its engineer and finds the Study adequate to address the Sewer District's concern about availability of sewer service. While it can rely on the County to conduct a thorough technical review at the time a permit application is made, it notes that no significant adverse environmental impact on sewer service has been identified.

II.4.2 Electric and Gas

Orange and Rockland Utilities provides the Study area with electricity and gas. Since the Site is underdeveloped even in accordance with its existing R-15 zoning, much less energy is used now than will be used if the area is developed pursuant to the rezoning.

The property is traversed north to south by an Orange & Rockland transmission line. As set forth in the Power Line Electromagnetic Field (EMF) Analysis contained in Appendix C.5 of the DEIS, measured fields were lower than typically seen near a line of the type and size found in the Site. None of the power line alternating current (AC) Electromagnetic Field levels measured or projected to exist at that location exceed the formal exposure guidelines delineated in Section 2.0 of the EMF Analysis report. Therefore, there are no EMF based regulatory limitations to utilization of the property.

Potential Impacts

There will be energy consumption both during construction and occupancy of the proposed residences. During construction, the energy consumption will be primarily from powering equipment and construction vehicles, with it being taken over by the energy consumption of the residents (energy for space heating, air conditioning, lighting, household appliances, among other electrical devices) after the completion of the project. The actual demands for energy in the residential space may vary based on the lifestyles and habits of the occupants.

The Electromagnetic Field analysis reveals that buildings on the conceptual site plan are proposed at distances from the power line easement that area commensurate with precautionary guidelines for exposure. No increased risk is anticipated. It is anticipated that 224 units will consume approximately 16 billion BTUs of energy per year.

Mitigation Measures
The Applicant represents that any proposed development will comply with or exceed the requirements of the 2020 New York State Energy Conservation Code.

Energy conservation is regulated at the State level. The New York State Energy Conservation Construction Code specifies basic requirements that are mandatory for all residential buildings. Requirements apply to heating and cooling systems, hot water, electricity, material and equipment specifications and sealing the building envelope. The project will exceed the requirements of the NYS Energy Conservation Construction Code through the installation of high-efficiency lighting fixtures.

The Applicant is evaluating Solar Electric Panels (SEP) for multifamily units to the extent feasible. The Applicant is also committing to providing energy-efficient buildings that use high-efficiency double pane windows, water saving devices and ecologically friendly lighting systems which will not exceed 0.6 foot-candle at perimeter property lines.

Findings

No significant adverse impact is found to occur to the existing supply of electric and gas utility services due to the Proposed Action. Further, there is not expected to be any significant adverse environmental impact from Electromagnetic Fields on the future development of the Site with multifamily development.

II.5 Transportation

Traffic Impact Analysis in DEIS

The DEIS Traffic Impact Analysis is based upon the Proposed Action and the Concept Plans in the DEIS, which included 290 dwelling units and derived regular vehicular access into the Site from Ewing Avenue and North Pascack Road, and emergency access from Spring Brook Road, Brookvale Court and at a different point on Ewing Avenue.

Potential Impacts

Current Conditions. Pursuant to the DEIS Scoping Document, existing conditions were analyzed at the following intersections: Ewing Avenue/Pascack Road, Pascack Road/Mirror

2 The Appendix of this document contains associated traffic tables.
Lake Road/North Brook Road, Pascack Road/Forest Brook Road and Forest Brook Road/Spring Brook Road. The key intersections relating to the Study Area are Ewing Avenue/Pascack Road and Pascack Road/Mirror Lake Road/Northbrook Road. Operating conditions are currently acceptable at all locations.

No Build Conditions. The No-Build conditions represent the traffic volumes that would be on the street network prior to the development of the Study area with multifamily housing. Using a conservative background growth rate of two percent, existing volumes were increased to represent No Build traffic in 2020. There are no other planned or approved developments that will generate traffic at the Study intersections.

As shown in the 2020 No Build Conditions – LOS Capacity Analysis Summary table in the DEIS and the Appendix of these Findings, at the Pascack Road/Mirror Lake Road/Northbrook Road intersection, the Pascack Road eastbound approach is projected to change from LOS “C” to LOS “D” in the Weekday AM and PM Peak Hours and from LOS “B” to LOS “C” in the Sunday Midday Peak Hour. The Mirror Lake Road westbound approach is projected to change from LOS “B” to LOS “C” in the Weekday PM Peak Hour and the northbound approach is projected to change from LOS “E” to “F” during this peak hour. The remaining three intersections and approaches to the Site are projected to operate at LOS “C”, or better, for the three peak hours analyzed.

Trip Distribution. In order to distribute the estimated entering and exiting trips generated by the project, a trip distribution was developed based on an analysis of existing conditions. The majority of project related volume is anticipated to have an east/west origin/destination pattern with 69% traveling via Ewing Avenue to arrive at or depart from the Site. The remaining 31% of site-oriented trips are projected to arrive, or depart, via Pascack Road. The trip distribution utilized for the distribution of trips on the network is in DEIS Table 22 and the Appendix of these Findings.

Build Condition. The proposed development will generate the largest number of trips during the Weekday PM Peak Hour – a total of 144 trips (96 vehicles entering and 48 exiting). The Weekday AM Peak Hour will result in an additional 121 vehicles (21 entering the site and 100 exiting). Lower volumes of 117 vehicles (57 entering and 60 exiting) are projected to occur during the Sunday Midday Peak Hour (see Table 23 of the DEIS and the Appendix of these Findings).

The results of the capacity analysis, utilizing the trip distribution and added traffic volume from the development, are summarized in DEIS Table 24, 2020 Build Conditions with No Mitigation – LOS Capacity Analysis Summary, and are included in the Appendix of these Findings. Comparing the Existing and No-Build conditions to the Build Condition with No
Mitigation, the analysis shows a deterioration in level of service for the southbound movement at the Ewing Avenue/Pascack Road intersection. This approach will change from LOS “C” to LOS “D” in the Weekday AM Peak Hour without mitigation, which is an acceptable level of service.

Comparing the No-Build Condition to the Build Condition with No Mitigation, there are also the following deteriorations in Levels of Service for movements at the Pascack Road/Mirror Lake Road/Northbrook Road intersection:

- The eastbound approach would change from LOS “D” to “E” during the Weekday AM Peak Hour; and
- The southbound approach would change from LOS “B” to “C” during the Weekday PM Peak Hour.

Except as noted above, and as shown in the summary table, the other intersections and the driveways into the Site are projected to operate at LOS "C" or better for the peak periods analyzed. The locations of capacity analysis for the Build Condition are identified on, the Traffic Location Map provided in the DEIS as Exhibit 22.

Traffic Signal. The Applicant’s DEIS traffic Study analyzed a possible traffic signal at the Pascack Road/Mirror Lake Road/Northbrook Road intersection and characterized it as potential mitigation for the impact of Project traffic. In response to discussions with the Town’s traffic consultant, the Applicant’s traffic consultant prepared an updated warrant analysis for the Pascack Road/Mirror Lake Road intersection, dated December 18, 2019. This analysis shows that, even with Project traffic factored in, this intersection currently would not meet the 8-hour warrant analysis, which is the Town’s standard for determining if a traffic signal is warranted at a particular intersection.

Accident Analysis. The DEIS traffic Study included an accident analysis, which determined that three accidents occurred annually at the Study area intersections during the Study years 2013, 2014, and 2015. All of the recorded accidents occurred at the Ewing Avenue/Northbrook Road/North Pascack Road intersection. The accident reports reveal that four of the nine accidents that occurred during the Study period are classified as rear end collisions. The remaining accidents were left turn and sideswipe incidents. The majority of accidents occurred with a dry roadway surface and clear weather conditions. There were no fatalities, and only one person was injured in the nine accidents. The accident occurrences
were markedly consistent over the three-year interval. There were no accidents at Forest Brook Road/Spring Brook Road during the three years analyzed.

Pedestrian/Bicycle Access. The Site is a 6-minute bicycle ride or an 18-minute walk from the Spring Valley Train and Bus Station, which is an important regional transportation hub (FEIS, Response 4.1-59.) Bus service routes in proximity to the Site include Transport of Rockland (TOR) Routes 91 and 94, which provide service from Nyack to Spring Valley and Spring Valley to Tomkins Cove respectively. As reflected in FEIS Appendix D, the Applicant has repeatedly reached out to the County to support expanded TOR service on Ewing Avenue and Pascack Road but has received no response. The TRIPS system, also run by Rockland County, provides para transit service to the senior citizens and disabled persons. The complementary service is for residents unable to use municipal fixed route bus service. This service is by appointment and provides curbside to curbside service intra-county.

Traffic Impact Analysis in FEIS

The FEIS contained a Traffic Impact Analysis based upon the Proposed Action and the Concept Plans in the FEIS. In response to comments regarding better school bus access to the Site, the Concept Plans in the FEIS derived regular vehicular access from Ewing Avenue, Pascack Road, Spring Brook Road and Brookvale Court, and emergency access via a different point on Ewing Avenue. The results of this Traffic Impact Analysis were similar to the analysis in the DEIS.

Traffic Impact Analysis in Technical Addendum

As set forth in the Traffic Study included in the Technical Addendum, the construction of a Brookdale Court Extension would reduce traffic on Ewing Avenue and Pascack Road and would not result in significant adverse traffic impacts at any other intersections. As per the Technical Addendum, if a Brookdale Court Extension were constructed, with 10% redistribution of existing traffic to Brookdale Court, there would be improvement in the LOS at the following intersections:

- Ewing Avenue/Pascack Road - The Pascack Road southbound combination left, and right turn movement will improve from LOS “D” to “C” in the weekday 7:00 AM to 8:00 AM peak hour.

- Pascack Road/Mirror Lake Road/Northbrook Road – The Pascack Road eastbound approach will improve from LOS “E” to LOS “D” in the weekday 7:00 AM to 8:00 AM
peak hour. The Pascack Road northbound approach will improve from LOS "F" to LOS "E" in the weekday 4:45 PM to 5:45 PM peak hour. The Northbrook Road southbound approach will improve from LOS “C” to LOS "B" and the Pascack Road eastbound approach will improve from LOS “D” to LOS "C" in the weekday 4:45 PM to 5:45 PM peak hour.

Traffic Impact Analysis with Respect to the Pascack Road “Tunnel”

The Town Board considered comment during the public comment period concerning a traffic jam at the Pascack tunnel caused by a truck stuck in the tunnel. While the tunnel was not identified in the EIS scope as a concern, the Board, in an excess of caution, requested that the Applicant evaluate whether Project traffic would affect existing conditions at the tunnel.

As an alternative route to divert traffic from the tunnel, commuters can use the route of North Pascack Road to Smith Road to New Clarkstown Road to either Perlman Drive and South Pascack Road or Route 59. Accordingly, the Applicant's traffic consultant, Harry Baker & Associates, undertook a Study to determine whether the project traffic would have any impact on the existing traffic conditions at the Pascack Road/Smith Road and Pascack Road/Lawrence Street (tunnel) intersections, dated November 25, 2019.

The Study was conducted to examine the impact of the proposed traffic generated by the Pascack Ridge development at these two intersections. During the morning time period, there were buses stopping to pick up students for both the Ramapo Public Schools and the local Yeshivas. Traffic at the Pascack Road/Smith Road intersection moved smoothly with no backups on the approaches. For the weekday PM peak hour, the traffic on Pascack Road in both directions moved smoothly. Over the hour, nearly all of vehicles traveling south on Pascack Road were able to turn left onto Smith Road during the green time allotted if they arrived while the signal was still green. On Sunday, the traffic was steady and periodically the traffic from the westbound approach to the tunnel would backup around the curve. However, the traffic queue never extended back to Smith Road which could impede southbound traffic on Pascack Road from turning left onto Smith Road.

At the Pascack Road/Smith Road intersection, the Smith Road westbound approach is at Level of Service (LOS) “D” in the weekday PM Peak hour. For the remaining approaches and time periods, the LOS was “C” or better for the intersection approaches. At the Pascack Road/Lawrence Street intersection, the Pascack Road westbound approach is operating at LOS “D” in the weekday PM and Sunday midday peak hours. This is reflective of observations in the field. For the remaining approaches and time periods, the LOS was “C” or better for the intersection approaches.
For 2020 Build Conditions, at the Pascack Road/Smith Road intersection, the Pascack Road southbound approach will change from LOS “B” to “C” in the PM peak hour. This is an acceptable level of service. There will be no other changes to the LOS for any of the approaches for the three time periods studied. The delays will increase slightly where development traffic was added to an intersection approach but would not otherwise affect the LOS. At the Pascack Road/Lawrence Street intersection, the Pascack Road westbound approach will remain the same at LOS “E” as the 2020 No-Build conditions during the weekday PM and Sunday midday peak hours. The overall intersection LOS will change from LOS “C” to “D” in the weekday PM peak hour. This is an acceptable LOS.

The additional analysis (which was provided to RCPD to ensure the Department had a complete statement) shows the traffic from the proposed Pascack Ridge development will not have any significant adverse effect on the operations of the Pascack Road/Smith Road and Pascack Road/Lawrence Street (tunnel) intersections. Accordingly, the Town Board determines that there are no unstudied significant adverse impacts associated with the Project’s impacts on the tunnel, the Pascack Road/Smith Road intersection, or any other traffic condition.

The Town Board notes, however, the Study indicates that traffic on Smith Road can be improved by modifying the traffic signal timings to change the Pascack Road westbound approach LOS “E” to LOS “D”, as follows:

- For the PM peak hour, shift six seconds of green time to the westbound advanced green phase and reduce the overall maximum signal timing from 45 seconds to 39 seconds for the Pascack Road northbound approach.

- For the Sunday peak hour, shift three seconds of green time to the westbound advanced green phase and shift five seconds to the eastbound/westbound movement and reduce the overall maximum signal timing from 45 seconds to 37 seconds for the Pascack Road northbound approach.

That signal is controlled by the Town of Clarkstown. While these signal modifications are not required to mitigate any significant adverse impacts related to the Project, the Town of Clarkstown nevertheless may wish to consider them.

Traffic Impact Analysis with Respect to Construction
The greatest volume of construction traffic is expected to occur at the beginning of the construction when rough grading is conducted, and when asphalt and building materials are transported to the Project Area. Trucks will access the Project Area from major roadways utilizing Interstate Route 287 and NY State Highway Route 59. Truck movements will be spread throughout the day and generally occur between the hours of 7:00 AM and 4:30 PM. Project-generated traffic as a result of construction workers is not anticipated to significantly impact traffic volumes since worker trips generally occur before the AM and PM peak hours. Construction workers will generally commute daily to the Project Area at 6:30 to 7:00 AM and leave between 4:00 and 4:30 PM. Site work will occur Monday through Friday and possibly on Saturday between 10:00 AM and 5:00 PM. Construction workers will access the Project Area via the proposed access drives and park in temporary parking areas on-site within the area of disturbance. The Applicant represents that construction truck traffic will not use the tunnel, and that prohibition must be a stipulation of a Traffic Management Plan which the Planning Board must require during site plan review and make a condition of any approval.

The Applicant anticipates that the Project will be balanced such that during construction, soils will not need to be removed from or brought to the Project Area. In the event that soils need to be brought to or removed from the Project Area, construction traffic would be spread throughout the day, and would not occur during the PM peak hour. In the worst case, the peak truck traffic that are projected daily in that eventuality is 40 per day, or about 5 per hour. The Town Board’s consulting traffic engineer has advised that this volume of traffic does not present a significant adverse impact, but should be addressed as a contingency in the Traffic Management Plan.

Mitigation Measures

While the Applicant has offered to install a new full-actuated traffic signal at the Pascack Road/Mirror Lake Road/Northbrook Road intersection, the record reflects that, even with Project-generated traffic factored in, the intersection would not meet the Town’s standard 8-hour warrant analysis. Accordingly, the Town Board finds that a traffic signal as mitigation is not warranted based on the record. The Town Board further finds that, in light of the Town’s policy of only allowing the installation of new signals if the 8-hour warrant analysis is met, which is intended to avoid a proliferation of signals, the installation of a signal is impracticable based upon the present record. The Applicant will, however, be required to fund and conduct a post-occupancy traffic study to confirm this analysis. This analysis must take place a minimum of six months after full occupancy of the Pascack Ridge project. In the event that this study conflicts with the analysis now in the record and Justifies a traffic signal at the Pascack Road/Mirror Lake Road/Northbrook Road intersection, the Applicant shall fully fund the installation of such signal.
Areas to the west of the Project Area possess the pedestrian infrastructure, transportation connection, and retail opportunities to support a multifamily zoning designation of the Project Area, provided that the necessary pedestrian connections are made between the Project Site and areas to the west in Spring Valley. During site plan review, the Planning Board shall ensure that any new sidewalks in the Pascack Ridge development facilitate pedestrian connections to the surrounding area, and the Applicant shall coordinate, to the extent possible, with the Village of Spring Valley to develop a pedestrian connection from the Project Area.

The Concept Plans, without access to Spring Brook/Clarkstown, shows that adequate turning radii/maneuvering width for emergency vehicles and school buses can be provided. During Planning Board review, emergency service organizations and the School District will confirm that the Project roadways allow adequate access.

While the projected volume of construction traffic does not create a significant adverse impact, on-site earthwork should be balanced to the maximum extent practicable to eliminate the need for fill to be either imported or exported from the Project. The Planning Board must require the Applicant to provide a cut/fill analysis, including construction phases during site plan review with this objective in mind.

Findings

1A. The Project Area has access to, and frontage on, roadways (Ewing Avenue and Pascack Road), that can accommodate the anticipated traffic from the Project. The Project will not cause unacceptable levels of service at any of the studied intersections, either with or without a Brookdale Court Extension.

1B. Even with Project generated traffic, the Pascack Road/Mirror Lake Road intersection will not meet the Town's standard 8-hour warrant analysis to justify the installation of a signal at this intersection. The Town Board nevertheless finds that the Applicant shall be required to conduct a post-occupancy warrant analysis, acceptable to the Town's traffic consultant, to confirm this analysis. This analysis must take place a minimum of six months and not more than twelve after full occupancy of the Pascack Ridge project. As a condition of any site plan approval the Applicant shall be required to fully fund the installation of a signal at this intersection in the event that the Town's traffic consultant advises that the post-construction Study justifies a traffic signal based upon the 8-hour warrant analysis and the Town Board requires that it be installed.
1C. The Project Area has convenient access to opportunities for mass transit, including the Spring Valley Train and Bus Station. The Applicant should design any sidewalks within its site to promote interconnectivity to the existing sidewalk system in the area. During site plan review, the Applicant should also continue to reach out to the County to promote expanded bus service for the Site. The Applicant shall also coordinate with the County DOT for the allocation of an area for a bus stop. Future cooperation of the Rockland County Department of Transportation is anticipated.

1D. In making the determination that construction traffic will have no significant adverse impact, the Town Board notes that traffic peaks associated with construction workers will generally occur outside of peak PM traffic hours, limiting potential impact on the road network. The Applicant will be required to provide site parking for construction workers and vehicles, and to stage the delivery of construction equipment and construction supplies. During site plan review, the Planning Board shall require the preparation of a construction management plan, to address issues including any removal of excavated site material, and delivery of construction materials to the Project Area, especially material requiring large vehicles, such as concrete trucks, which would be coordinated to avoid or minimize traffic during peak traffic hours on the surrounding road network, as the Town Police Department determines to be necessary.

With respect to the impact of noise associated with construction traffic on adjacent roadways, the Board notes such activities will be temporary; that the activities will be phased which will reduce the amount of construction traffic on adjacent roads at any one time; and that the Planning Board must develop a construction traffic routing plan that will allow the Applicant to coordinate with the Town Highway Superintendent, Town Police and the Town’s traffic consultants to avoid or minimize the impact of construction traffic on the surrounding road network by regulating site operations to minimize construction traffic during peak hours or times when school buses are using local road network, and to provide appropriate traffic controls.

II.6 Socioeconomics

The U.S. Census Bureau update of population cohorts in the Town of Ramapo is based on a 2015 total population estimate of 131,648 residents. The cohorts indicate that residents under age 19 years account for 39% of the total population in the Town of Ramapo. Almost 20% of the population are children of elementary school and middle school age, ranging from 5 years to 14 years old. Only 11% of the Town’s population is age 65 or older.
The U.S. Census Bureau population estimate for 2016 indicates that a substantial population increase has occurred in the Town of Ramapo. Figures indicate the US Census Bureau estimates the Town of Ramapo population to have reached 136,235 people in July 2016. This represents an annual increase of 4,587 persons from the 2015 estimate, or an annual growth of 3.5% in total population. This growth reflects a historic pattern, which shows a marked acceleration of the Town’s population growth over the past 45 years (DEIS, Table 30). The fact that nearly 40% of the Town’s population is under the age of 19, and that many of these people are likely to remain and raise families in Ramapo, suggests that the Town’s population will continue to grow.

The East Ramapo Central School District (ERCSD) serves the Pascack Ridge area for public schools. The district covers an area of 30 square miles and serves the Town of Ramapo and Villages of Pomona, Wesley Hills, Spring Valley, New Square, Chestnut Ridge and Kaser, and portions of the Village of Airmont and the Village of New Hempstead. The district has 14 public schools, including 2 middle schools and 2 high schools. Based on information updated on the website for the East Ramapo Central School District in 2015, the East Ramapo ERCSD consists of 10 elementary schools (including Pre-K/K and STEAM Academy), in addition to the 2 middle schools and 2 high schools. Four elementary schools offer Grades K-3 and three serve Grades 4-6, with one serving grades 4-8 and an Early Childhood Development Center specifically for Pre-K and Kindergarten. The 2 middle schools serve Grades 7-8, and the 2 high schools serve Grades 9-12.

According to a New York State Department of Education report entitled A New Beginning: A Report on the East Ramapo Central School District, dated January 24, 2017, there were 33,350 students in the East Ramapo Central school district. Of this total, 24,700 attend nonpublic schools and 8,650 attend public school. The proportion of nonpublic students is approximately 74% of all students in the district, while the remaining 26% attend public school. The nonpublic enrollment has experienced increases of 5% annually, while the public school enrollment has grown at only 1.3% annually.

Of the 24,700 students attending nonpublic schools, many attend private schools such as Orthodox Jewish Yeshivas. The report notes that since 2004-2005 the District’s private school population has increased 50%. Future nonpublic school enrollment growth is projected to be 4% to 5% per year. The information on private schools in Rockland County is based on information from the New York State Department of Education.

The Pascack Ridge Study area contains 27.6 acres and consists of 38 tax parcels in the Town of Ramapo, as detailed in the DEIS. The Study Area has a total aggregate current
assessed value of $4,505,785, based on the 2016 property tax assessment. The assessed value of the project is based on its partially vacant status with some residential development on particular parcels. The total taxes paid by the properties in Pascack Ridge is approximately $115,002 annually. Taxes are paid to the Town, County, emergency services (Police, Ambulance, Fire District) and East Ramapo Central School District. Education costs account for the bulk of the residential property taxes paid.

Potential Impacts

Population

While population projections for the Site with the Proposed Action are subject to change during the site plan process, when the number of units and bedroom counts will be finalized, population estimates for the Pascack Ridge development have been projected based on the 2006 Rutgers University, Center for Urban Policy Research, Residential Demographic Multipliers for two-bedroom units. The estimates provided in the FEIS are based on the anticipated development of 224 units, half of which would be two-bedroom units and half would be five-bedroom units. As the Rutgers guidance does not supply a multiplier for five-bedroom attached units, multipliers were generated for five-bedroom units based on population density information obtained from U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates for neighboring areas with a high presence of five or more bedroom units. Based on these data, the total projected increase in school-aged children from the Project with a buildout of 224 units evenly split between two-bedroom and five-bedroom units is 306. Based on the School District’s present experience that approximately 75% of students will be provided a private education, it is projected that 77 additional students would enter the public school system, while the remaining 229 children would attend private schools, but would rely on the School District for transportation.

Based on the Rutgers multipliers, the total population increase of the Project with a buildout of 224 units evenly split between two-bedroom and five bedroom units is 893.

Tax Revenues and Municipal Costs

The property tax revenues generated by the Project are projected to be more than adequate to address the increased demand for services it would cause.

To project the per capita expense associated with the Project, the DEIS analysis divided the Town outside the Villages appropriation ($6.8 million) by the Town outside of the Villages residents based on the 2010 U.S. Census (37,037 residents), and multiplied this by 0.60, to
reflect the proportion of the Town budget that is funded by the property tax levy. Based on this, it is estimated that the potential municipal cost per person is $111 as a result of the increased population and associated service requirements due to the Pascack Ridge development.

The estimated municipal cost at full buildout of the Project pursuant to the MR-12 zoning is $117,882. In comparison, the projected property tax from the Project is approximately $3,148,601 annually (DEIS, Table 32). The future property tax revenue to be generated by the Pascack Ridge development was based on a full buildout commensurate with MR-12 multifamily zoning. The estimated market value of the project is projected to be $107.6 million based on unit sale prices from $175,000 to $495,000. The Town of Ramapo will receive increased revenues including approximately $965,690 for public safety (DEIS, Table 32). Approximately $1.8 million is projected to go directly to the East Ramapo Central School District. These figures provided in the DEIS reflect estimates at full-build out of 290 units.

Using the same 2016 assessed value tax rates and similar sale prices (2-bedroom units priced at $275,000 per unit and 5-bedroom units priced at $450,000 per unit) for the 224-unit development proposal discussed in the FEIS, the estimated project value would be $79,750,000. The estimated project tax revenue would be $2,035,481 of which $418,923 is estimated to go towards police, fire and ambulance services, and $1,347,457 will go to the East Ramapo Central School District.

The East Ramapo Central School District is projected to expend $13,212 for instructional expenditures in 2017-2018 per public school student. Approximately 65% of the school budget is raised by tax levy. Applying 65% to $13,212 results in a cost attributable to the tax levy of $8,587 per student. Transportation costs are estimated by the district at approximately $841 per year per student.

Based on the Concept Plans for the development provided in the FEIS, there will be an increase of 306 total school age students at Pascack Ridge, and the transportation expense would be $257,346. The instructional expense associated with students attending public school is estimated to be $661,199. This is a total of $918,545. As stated above, $1,347,457 of the projected tax revenue will go towards the East Ramapo Central School District. As a result of the Project, the School District would receive $428,912 more than the cost of educating the public school-aged children from the Project.

Employment
The Project would create both temporary employment during the construction period and permanent employment when the Project is developed and occupied. It is anticipated that the proposed development will create roughly 124 construction jobs over the projected two-year construction period. The Applicant would use numerous trades and workers during the construction period. As reported by the New York State Department of Labor for the first quarter of 2017, the median annual wage for construction and extraction occupations in the Hudson valley region is approximately $60,290.

Post construction during the operations period, the proposed development is expected to result in an increase of permanent employment within the surrounding areas of the project. Approximately 11 full-time jobs are expected to provide support services for the Project itself.

Mitigation Measures

No mitigation measures are necessary because the Project results in a net fiscal gain to both the Town of Ramapo and the East Ramapo Central School District. With increased people, the Project would bring increased net revenues and fiscal benefits to the East Ramapo Central School District, the Town, County and emergency service provider agencies. There is also an increase in jobs, employment and wages as a part of the Project, which will produce a positive economic impact. The anticipated increase in school aged children and population due to the proposed development is found to be not significant in comparison to the existing population of the School District. As a result of the Project, the tax revenue generated by the Project for the School District will be greater than the education and transportation costs for the school-age students residing in the Project.

II.7 Community Facilities and Services

The Town of Ramapo Police Department provides general law enforcement services, including traffic patrol, investigation services and other protective services. The Department is made up of 120 sworn officers and 25 civilian personnel. The Ramapo Police Department consists of the Patrol Division, the Special Services wing and the Headquarters Division. The Town of Ramapo Police Department is currently not at full strength, according to a letter dated February 21, 2018 from Ramapo Police Chief Brad Weidel, provided in the DEIS Appendix B.

The East Spring Valley Fire Department (ESVFD) is a team of 120 volunteers. The Department has 4 Pumpers, 2 Aerial Ladder Trucks, 1 Rescue Vehicle and 1 GMC Van Equipment Truck. There are various ambulance services that could serve the Site, including the Ramapo Village Ambulance Corps.
In Spring Valley, Memorial Park, which is approximately 9.80 acres, is approximately 1,600 feet from the Site, and could be used by residents of the Project.

Potential Impacts

The Town of Ramapo Police Department provides a ratio of one police person per 1,135 persons, or 0.88 person per 1,000 persons. The East Spring Valley Fire Department also maintains a ratio of one fire person per 1,125 persons, or 0.88 person per 1,000 persons. The increase in population due to the Pascack Ridge development could potentially increase response times and diminished services. Based on existing commitments of service, the Project would generate an additional demand of 0.78 police officers and 0.78 firefighters. The Town Board recognizes that the Town of Clarkstown has referenced guidelines provided by the Urban Land Institute (ULI) but, as noted in the FEIS, these guidelines frequently exceed the typical level of service commitment, describe levels for the provision of new service, and overestimate the realities of expanding existing service (FEIS, Response 5.3-11). The Town Board administers four Fire Protection Districts, and notes its experience is that new Building Code compliant construction with sprinklers and hardwired alarms generally has fewer calls for fire service.

In any event, the ULI guidelines suggest that the Project would generate an additional demand of 1.78 police officers and 1.47 firefighters. As discussed in greater detail in the Socioeconomic section of these Findings, the Project is anticipated to provide the Town of Ramapo with increased revenues, including approximately $965,690 for public safety (DEIS, Table 32). These additional funds could be used to benefit the Police Department and the Fire Department, including for hiring additional police personnel or providing additional fire apparatus. Fire lanes and fire hydrants will be provided for the Project in accordance with the New York State Fire Code and will be duly inspected by the Fire Inspector of the Town of Ramapo.

The students from the Project will be dispersed among various grade levels and schools. The increase in student enrollment is expected to occur over the anticipated two-year project construction period. As discussed in greater detail above, based on the School District’s present experience that approximately 75% of students will be provided a private school education, it is projected that 77 additional students would enter the public school system from the Project, while the remaining 229 children would attend private schools, but would rely on the School District for transportation. As discussed above, As a result of the Project, the Project is anticipated to result in $428,912 more than the cost of educating the school-age children residing in the Project for the School District.
The proposed development of Pascack Ridge will preserve substantial portions of the Project Area as open space. The Concept Plans for the Project provide for the preservation of open space, which includes environmentally sensitive areas, utility easements and areas on Project Area that will remain undeveloped and open. Pursuant to the use requirements applicable to the MR-12 zone, the Project would be required to provide a minimum of 35 square feet per unit of usable outdoor recreation area, and these recreation areas must include playground equipment and/or other recreational facilities. Exceeding this requirement, the 224-unit Concept Plans provided for the Project show that approximately 8,000 square feet of playground space will be provided among the various building clusters. The open space in and around the Orange & Rockland easement area could be used for community recreation.

The Applicant does not propose any off-street parking. Roads will be designed according to the International Fire Code Appendix D (Section(s) D101, D102, D103, D105, D106 and D108) to provide fire vehicle access to structures, which will ensure that vehicular parking does not interfere with the emergency access and circulation. The conceptual plan provided in the FEIS shows parking areas associated with buildings, and more details will be provided during site plan review. Review and approval of the site plan by the Ramapo Town Fire Inspector, as required by the Town Code, will ensure adequacy of access routes, turning radii on access roads, and the location and numbers of fire hydrants. The Town Board notes the Rockland County Department of Planning comment that the site plan will be referred to the Rockland County Office of Fire and Emergency Services, if applicable.

The anticipated refuse collection will be via a private hauler coordinated by the Master Homeowners Association(s).

Mitigation Measures

Based on the current ratio of staffing of the Town of Ramapo Police Department and the East Spring Valley Fire Department, no increase in police or fire personnel is anticipated due to the proposed development. The Project is anticipated to provide the Town of Ramapo with substantial increased revenues, including approximately $965,690 for public safety. As such, no additional mitigation is required in connection with the provision of public safety services to the Project.

No mitigation measures are necessary for the East Ramapo Central School District, including because the Project will result in a net fiscal gain to the District. The Project’s
added expenses to the District are offset by the increased revenues which will go to the 
School District as described above. 

The anticipated private refuse collection will mitigate any potential impact to the Town's 
refuse collection system. 

Preservation of open space and community recreation areas, and allocating smaller 
playground spaces near different building clusters mitigate any potential impact to 
recreational facilities and open spaces anticipated from this development. Outdoor 
recreation area allocation in the Project must comply with the Table of General Use 
Requirements, Part I: Residential Districts Multifamily Zones, § 376-31 pertaining to the 
proposed MR-12 zoning. Provision of smaller play areas is also safer for children as they 
are closer to their homes and do not need to walk long distances to reach a central dedicated 
play area. The Pascack Ridge development will be in compliance with the Fair Housing Act. 

The Town Board notes that the Applicant has represented that fire suppression sprinklers 
and alarms will be provided in all residential units in the Project. 

Findings 

With respect to concerns raised by Town Board members, the public and others about 
potential impacts on community services that could be associated with the Proposed Action, 
the Board finds that the Proposed Action will not have any significant adverse impact on 
community services, for the reasons stated in Section 5.3 of the DEIS and Section 5.3 of the 
FEIS. 

The Board notes that its SEQRA review included circulation of the DEIS (which included 
information about the overall scope of the Proposed Action and the Concept Plans) and other 
information to the emergency service responders with primary jurisdiction over the Site, and 
such responders did not express concern about any potential impacts of the Project on fire, 
police or emergency services, which appear adequate to serve the project. 

While comments were received questioning whether traffic conditions, such as the periodic 
congestion at the Pascack Road "tunnel" or the condition of the local road network might 
limit the ability of the fire, police, ambulance and other emergency service providers to 
respond to the Site, the Board is familiar with the location of the emergency services that 
would be primarily responsible for providing these services to the Project and finds that the 
road network is adequate to enable them to provide a timely response and maintain the 
existing levels of service to any anticipated development on the Site and to allow the safe
movement of emergency service vehicles. These various services are familiar with the local
geography and are aware of the quickest routes to the Site, which may vary for each service,
depending upon factors including the time of day. Moreover, the Board notes that multi-
family development provides greater opportunity to plan for emergency access to structures
during the site plan process. Based upon the above, it is found that no significant adverse
impact on community facilities and services will result from the proposed development.

II.8 Land Use, Zoning, Comprehensive Plan and Community Character

Existing Conditions – Land Use

The Study Area is 27.6 acres in size and contains a total of 39 tax lots (DEIS Table 1). There
are 13 developed tax lots on the Site, which together comprise approximately 6.9 acres or 25%
percent of the Site. Eight of these 13 tax lots contain single-family detached dwelling units, 2
are developed with two-family dwelling units, 1 contains a three-family dwelling unit, and 1 is
developed with a house that has been converted into apartments. Almost all of these 13 lots are
undersized as per the R-15 Residential District zoning for the development on them and the
three-family dwelling and the apartment use are not permitted in the R-15 zoning district (DEIS
Table 9 & Figure 10). A hypothetical redevelopment of the 27.6-acre Site with the existing R-15
zoning could result in approximately 44 to 56 units, depending upon whether one-family or two-
family homes are proposed (DEIS Table 2, Figures 41 & 42).

Approximately 2/3 of the Study Area is closed canopy regrowth forest, the composition of which
is elaborated on in Section II.2 of this document. One third of the Site is categorized by the
United States Geological Survey as Developed Open Space (developed areas where
impervious surfaces account for less than 20%) (DEIS Figure 18). Significant portions of the
Developed Open Space found on-Site are from the existing dwelling units and the Orange and
Rockland overhead utility easement, a 100-foot wide overhead utility easement running from
the north to the south lot line. Areas on the Site that are within this overhead utility easement
are kept relatively clear, with vegetation periodically cut down. As noted in FEIS Response 4.1-12,
however, approximately 55 homes to the north and south of the Site use the easement area
on their properties for backyard uses, including sheds, patios, and pools. Christa Lynn Drive
may provide interior access to developed lots on the Site, although it does not appear to have
been developed to municipal standards. Christa Lynn Drive is a narrow macadam road crossing
the Pascack Brook via an existing concrete structure, crossing the overhead utility easement,
and terminating in the interior of the Site. Other developed infrastructure on the Site includes
two Rockland County Sewer District No. 1 sewer easements running across the Site from north
to south, and a dirt road that follows the Orange and Rockland utility easement, and is used as
access for utility company maintenance.
The Surrounding Area has varying land uses ranging from residential density similar to that existing on the Site to higher, multifamily densities west of the Site in Spring Valley and the Surrounding Area in Clarkstown. (DEIS, Figure 11). In response to comments received in the SEQRA process, investigation of areas beyond the Surrounding Area was pursued to better understand and illustrate the context of the Site. This explains the distinction between discussion of the Surrounding Area (as it is defined in the scope) and nearby areas beyond the Surrounding Area which are discussed in the DEIS, FEIS, and Technical Addendum.

The Village of Spring Valley represents one of the largest concentrations of population density in Rockland County (FEIS – Response 4.1-62). Existing and approved, in-progress development in Spring Valley abutting and to the west of the Site include several multifamily developments on lots ranging from less-than-1 to 5 acres in size with densities as high as 36 units per acre (DEIS Figure 11 & Technical Addendum, Section II (Community Character), Figures 1 & 2). The portion of the Surrounding Area within Spring Valley, to the west of the Site, can best be described as high-density multifamily development on relatively small lots (less-than-1 to 5 acres) with an existing and contiguous sidewalk network (DEIS Figures 11 & 24). Beyond the Surrounding Area, the development in Spring Valley maintains a high density, multifamily pattern with increasing levels of commercial space as one nears the village center.

The Surrounding Area within Clarkstown is largely developed with single-family homes, duplexes, and townhouses with densities of approximately 3 to 10 dwelling units per acre. Just beyond the Surrounding Area, development in Clarkstown increases in density to the southeast with townhouse developments on sites ranging from 4 to 16 acres with housing densities from 4 to 17 units per acre (DEIS Figure 11 & Technical Addendum, Section II (Community Character), Figures 1 & 2). In nearby areas of Clarkstown (both in the Surrounding Area and beyond the Surrounding Area) sidewalks are occasionally present but are irregular and non-contiguous (DEIS Figure 24). The land use patterns in Clarkstown in proximity to the Site show that single-family housing can and does exist in harmony with multifamily development at the levels that would be allowed by the Proposed Action.

The Surrounding Area within the Town of Ramapo to the north and east of the Site are best described as medium-density residential development. Single-family and duplex homes with an average density of 4 units per acre are located along cul-de-sacs and connecting roads with no sidewalks (DEIS Figure 11 & 24). Again, the fact that these housing patterns already exist in proximity to multifamily housing in Spring Valley and Clarkstown shows that these varied housing types can and already do exist in harmony.

Existing Conditions – Comprehensive Plan
The 2004 Town of Ramapo Comprehensive Plan’s Recommendations and Strategies section of the Housing Chapter identified potential areas for rezoning and multifamily development. It also recognized that conditions in the Town have the potential to change in unforeseen ways and that the need for additional areas for multifamily development might arise. As such, the Town Board left itself latitude in the Comprehensive Plan to identify additional areas for multifamily housing in the future. This same section of the Comprehensive Plan identifies eight criteria for the consideration of rezoning for multifamily development. They are as follows:

1. Sufficient property size and dimension to accommodate the density permitted in the zone;
2. Access to, and frontage on, a roadway that can accommodate the anticipated traffic (emphasis should be placed on locating such developments on State roadways such as Route 59);
3. Convenient access to opportunities for mass transit use (e.g., bus), including pedestrian access;
4. Location within an area that contains existing high density residential or commercial development;
5. Access and close proximity to community shopping, including pedestrian access;
6. Readily connectable to existing sewer and water infrastructure;
7. Unencumbered by environmental resources such as steep slopes, wetlands, streams, floodplains, or other factors that would suggest that the property is not suitable for the intensity of development proposed; and
8. Location within an area of the Town with a need for such housing.

As discussed in the Frederick P. Clark Associates memorandum dated November 22, 2019, the Town’s growth has continued since 2004 and many of the sites identified in the 2004 Comprehensive Plan have been developed. Although comments from Rockland County Planning Department and others contend that the Action does not comply with all of the placement criteria and asserts they are mandatory criteria, the Board notes that the guidelines “should” be considered by the Board when considering rezoning requests, and that, as set forth below, it has indeed considered them, and finds that they have been met with this application.
The need for affordable multifamily housing options is not unique to the Town of Ramapo. The
Executive Summary of the Rockland County Comprehensive Plan (2011) states, in part, the
following with respect to the need for housing which is affordable:

“Despite the recent recession and the resulting decrease in housing values and
corresponding low level of interest rates, decent, affordable housing in Rockland
is still out of reach for many. This is especially true for low- and mid-level
employees, the elderly on fixed incomes, young households, emergency-service
volunteers (fire and ambulance), caregiver work force (nursing, psychiatric and
home health aides), and others who cannot afford the most readily available
types of housing. The challenge for Rockland lies in preserving its existing
predominant single-family, owner-occupied housing character while
encouraging new housing opportunities for all ages and income groups....

Major recommendations include:

Encourage a range of affordable housing options for the county’s young adult
and senior populations. Diverse housing options can include mixed-use
developments with commercial uses on the first floor and residential units on
second and upper floors. It can also include accessory apartments, in-law suites
attached to existing homes, smaller lots, townhouses, and housing cooperatives
for young families and seniors.” (pp. 17, 18)

Existing Conditions - Zoning

The Site and the Surrounding Area to the north and east of the Site, in the Town of Ramapo,
are zoned R-15 (Residential). This residential district permits single-family dwellings on a
minimum lot size of 15,000 square feet and two-family dwellings on a minimum lot size of 20,000
square feet. This zoning results in a residential density of approximately 4 units per acre.

While the County Planning Department has asserted that “ALL of the surrounding area is
labelled R-15,” (County Planning Letter, August 30, 2019, at 2 (emphasis in the original), this is
simply not the case. The Surrounding Area to the west of the Site, in the Village of Spring Valley,
for example, is zoned R-2 and R-3 (Medium Density Residential District and Medium-High
Residential District, respectively). The R-2 and R-3 districts allow multifamily development,
some of which are as dense as 30+ units per acre.
The Surrounding Area to the south of the Site, in the Town of Clarkstown, is zoned R-15 (Medium Density Residence). The R-15 zone features single- and two-family homes on lots which are approximately 15,000 and 20,000 square feet in size respectively. Also within the Surrounding Area, in the Town of Clarkstown, are areas zoned MF-2 and MF-3 (Multifamily) which both permit multifamily development with housing densities from 9 to 18 units per acre (DEIS Figure 9).

**Existing Conditions – Community Character**

The Site and the Surrounding Area to the north and east of the Site, in the Town of Ramapo, are zoned R-15 which translates to a housing density of approximately 4 units per acre. The community can be best characterized by single-family detached dwelling units on parcels of a modest size with front, rear, and side yards (DEIS Figure 26). These yards are typically grassy and wooded and create a forested suburban environment.

The Surrounding Area to the south and southeast, in Clarkstown, maintains a similar community character to the Site with an approximate density of 4 to 10 units per acre. This includes both duplex developments in a cul-de-sac community environment and townhouses along Pascack Road. Just beyond the Surrounding Area, the community character contains increased unit density (6 to 17 units per acre), including townhouse developments. (DEIS Figure 11).

In the Surrounding Area to the west of the Site, in Spring Valley, the community character of the Site immediately transitions to that of a dense and walkable village with both single and multifamily developments on a street grid complete with pedestrian amenities.

**Potential Impacts**

**Potential Impacts – Land Use**

A rezoning and redevelopment of the Study Area in accordance with the proposed MR-12 Multifamily zoning could allow an estimated theoretical full build out of 290 units on the 27.6-acre Site. This development would obviously allow more units than the current residential development pattern on the Site and the potential development permitted by the Site’s current zoning. It is important to note that in contrast to standard subdivision developments allowed by the current zoning, development according to the proposed MR-12 zoning could more efficiently use the same amount of land to create a larger supply of housing while still minimizing or avoiding impacts to ecologically sensitive areas through the “clustering” dwelling units in multifamily structures designed and planned as an integrated development.
and managed by a HOA or similar entities that are responsible for compliance with all applicable regulations, including the environmental standards already mandated by state and local agencies to protect those areas.

The rezoning of the Project Area to MR-12 and its subsequent development would involve the clearing of wooded and vegetated areas in the proximity of the Pascack Brook and nearby wetlands and could increase activity near to and disturbance of these environmentally sensitive areas both during construction and after completion. The Proposed Action locates stormwater infrastructure and recreational open space in the vicinity of both the Pascack Brook and the on-Site wetlands (see FEIS Figure 4 and Technical Addendum Figure 2). This development would generate a population of approximately 1,000 residents (from DEIS), impervious surfaces, a decrease in soil infiltration and water retention, and would require the creation of usable recreational spaces.

**Potential Impacts – Comprehensive Plan**

The Proposed Action requires amendment of the 2004 Town of Ramapo Comprehensive Plan to include the Project Area as an area to be considered for multifamily development. The Town Board is cognizant that the County Planning Department has stated that, in its opinion, the Site only meets two of the eight placement criteria, and respectfully disagrees. The Town Board has duly considered the criteria set forth in the Comprehensive Plan for designating additional properties as multifamily. As follows, the Town Board finds that the allowing multifamily housing on the Project Area is consistent with the criteria set forth in the Comprehensive Plan:

1. The environmental analysis developed in this SEQRA review shows that the Project Area has sufficient property size and dimensions to accommodate MR-12 zoning;

2. As discussed in greater detail in the Transportation section of these Findings, the Project Area has access to, and frontage on, a roadway that can accommodate the anticipated traffic. While the Town Board recognizes that

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3 The Board noted that comments on the text of the original Comprehensive Plan amendments expressed concern that it could apply Town-wide and directed that the amendment be revised so that it is expressly restricted to consideration of the suitability of the Pascack Ridge properties for multifamily residential development.
the Comprehensive Plan states that emphasis should be placed on locating such developments on State roadways such as Route 59, the Board finds that the roadway network serving the Site, including Ewing Avenue and Pascack Road, can accommodate the anticipated traffic from the Project;

3. As discussed in greater detail in the Transportation section of these Findings, the Site has convenient access to opportunities for mass transit, including the Spring Valley Train and Bus Station. The Applicant should design any sidewalks within its site to promote interconnectivity to the existing sidewalk system in the area. During site plan review, the Applicant will be required to reach out to the County to promote expanded bus service for the Site. Future cooperation of the Rockland County Department of Transportation is anticipated;

4. As discussed herein, the Site is located in an area that already contains high density residential development. The Site abuts and is in proximity to areas in Spring Valley and Clarkstown that contain high-density residential development (DEIS Figure 11 & Technical Addendum, Section II, Community Character, Figures 1 & 2). The Town Board recognizes that areas containing single-family residential housing also exists in the area, but finds that the existing land use pattern, which already has single-family development existing in harmony with proximate multifamily development, establishes that the multifamily housing the Proposed Action would allow would be compatible with single-family housing;

5. The Site is in close proximity to commercial facilities and community shopping, including in Spring Valley (DEIS, Figure 12). The Town Board notes that the County Planning Department acknowledges in its August 30, 2019 comment letter on the Comprehensive Plan amendments that the Site is within a half-mile of New York State Route 45, which contains shopping and transit options. Again, the Applicant should design any sidewalks within its site to promote interconnectivity to the existing sidewalk system in the area;

6. As discussed in greater detail in the Utilities section of these Findings, the Site is connectable to existing sewer and water infrastructure;

7. While portions of the Site are encumbered by environmental constraints, the environmental record submitted by the Applicant shows that the Project Area can be developed without significant adverse disturbance to these areas,
such that these constraints do not suggest that the Project Area is not suitable for multifamily development; and

8. The Site is located within an area of the Town with a need for such housing. As proximate development in Spring Valley and Clarkstown show, there is already a demand for multifamily housing in the area of the Site.

As the County Planning Department has noted, determining “the appropriate residential density results from the examination of many factors.” In making these Findings regarding the Comprehensive Plan, the Town Board has not only considered the applicable criteria, but has also weighed the competing interests of the community, including those who would benefit from the housing the Project would provide, Project opponents, and the developer. The Town Board has also considered regional and local housing needs and requirements and has sought to balance these with the desire of some area residents to maintain the status quo.

In this light, the Town Board further finds that there is a continuing need for housing. Data show that, based upon the Town’s existing housing stock, many households in Ramapo are severely burdened by housing costs. The continued need for additional multi-family housing in 2019 (and the zoning therefor) is substantiated by housing and economic information. Again, the current land use pattern in the area, which shows single-family residential areas existing in harmony in proximity to multifamily residential developments, shows that the provision of multifamily zoning can be, as the Applicant’s concept plan shows, compatible with single-family residential communities. The Town Board is guided by the fact that the Project could provide much needed multifamily housing for the Town and region.

The Town Board further finds that multifamily housing such as the Project meets this need in a manner that is more affordable than single-family housing and without the impacts associated with suburban sprawl. While certain parties, including the County Planning Department, have opined that the MR-12 is inappropriate for the Site in light of its environmental constraints, the Town Board finds that, as conceptually shown by the Applicant’s Concept Plan, the MR-12 would allow the development of the Project Area in a manner that allows the substantial preservation of the Site’s environmental resources.

Potential Impacts – Zoning
The Proposed Action seeks to rezone the Site to MR-12, allowing a theoretical potential full buildout of an estimated 290 units. The proposed density is comparable to zoning and development in the Surrounding Area to the west in Spring Valley and beyond the Surrounding Area to the southeast in Clarkstown (DEIS Figure 11). Areas to the west of the Project Area possess the pedestrian infrastructure, transportation connection, and retail opportunities to support a multifamily zoning designation of the Project Area, provided that the necessary pedestrian connections are made between the Project Area and areas to the west in Spring Valley.

Potential Impacts – Community Character

The Proposed Action would create a maximum population density approximately 6 times higher than what is currently permitted on the Project Area and one that is in keeping with the community character to the west of the Site in the Village of Spring Valley and to the southeast of the Site in Clarkstown. As noted above, the Town Board recognizes that areas containing single-family residential housing also exist in the area, but finds that the existing land use patterns, which already show single-family development existing in harmony with proximate multifamily development, establish that the multifamily housing such as allowed by the Proposed Action would be compatible with single-family housing. While the County Planning Department has opined that the MR-12 zoning would be a “glaring departure from single-family neighborhoods to the north and east of the site,” it ignores the fact that these communities already exist in harmony with multifamily development, such as already exists in the area in Spring Valley and Clarkstown. Similarly, in its comments, the Clarkstown Department of Planning has expressed “concerns over the impact of this development on the nature of the surrounding single-family neighborhood,” but does not acknowledge that there is already multifamily housing in proximity to this neighborhood in Clarkstown, without any apparent significant adverse impact on community character.

The design and orientation of the Project Area, particularly pedestrian connections, should focus towards the west to connect the Site to the community and the essential amenities available there for the Project. To limit the visual impacts the Proposed Action might have on

4 The Board notes many of the comments on the DEIS and FEIS concern details of site plan review, and that any actual development plan will require detailed site-specific plans and review by the Planning Board and other regulatory agencies. As with any land use application allowed by zoning, site-specific plans may result in Planning Board approving fewer dwelling units than initially proposed.
neighborhoods to the north, east and south, the Applicant is required by the MR-12 zoning
designation to maintain 35-foot setbacks, which will include natural vegetation and
landscaping, and a maximum building height of 40 feet. The Applicant has also proposed the
use of sloping gable roof lines, of earth tones, and of limited reflective materials in
architectural design. The intention of this is to limit the perceived scale of development from
neighboring areas with a less dense community character (DEIS page 118 & Figure 36).

Mitigation Measures

Mitigation Measures – Land Use, Comprehensive Plan, Zoning, and Community Character

The Concept Plan provided by the Applicant indicates that there is adequate room for
multifamily development, supporting infrastructure (including stormwater management),
recreational open space and preservation of environmentally sensitive areas. The refinement
of the plan during site plan review, which will ensure the implementation of the Applicant’s
commitment to preserving the environmentally sensitive resources at the Site, will determine
the specific, ultimate density allowed for the Project.

The clearing of land in the proximity of wetlands on-Site and the creation of recreational open
space and their regular use by residents could potentially adversely impact this
environmentally sensitive area (see Section II.2 of this document for detail). Construction of
an effective, Code compliant stormwater management system with water quantity and water
quality components will be essential to mitigate the potential adverse environmental impacts
related to increased impervious surfaces, decreases in water infiltration, and exposure of
soils as a result of the removal of vegetation. The design of the stormwater management
system for the Project should not infringe upon existing vegetation surrounding the wetlands
and Pascack Brook in order to maintain the surrounding soil’s natural ability to capture, filter
and retain stormwater (see Section II.3 of this document for details). Ample vegetated riparian
buffers created by maintaining existing mature vegetation around both the Pascack Brook
and the wetland areas would serve as long-term and short-term protections for these
environmentally sensitive areas.

The Site’s proximity to downtown Spring Valley and the high-density residential development
there, the commercial facilities and community shopping found there, and the access to mass
transit all speak to the potential for the Project Area to accommodate multifamily
development. It should be noted that the Comprehensive Plan encourages pedestrian access
to both commercial and mass transit resources. While the primary route from the Site to
downtown Spring Valley follows Ewing Avenue which presently has no contiguous sidewalks,
during the site plan design and review processes, emphasis should be given to the
incorporation of internal site pedestrian amenities with pedestrian connections to Rose Avenue and/or Ewing Avenue in Spring Valley. The Proposed Action will create a community character for the Site that is not inconsistent with neighborhoods in Spring Valley and Clarkstown. It is important to design the Project in a way that allows pedestrian connections to Spring Valley while using natural vegetation and other screening measures to limit visual impact on surrounding communities.

The Board has received comments categorizing the proposed density of MR-12 as being out of keeping with surrounding densities and a poor transition from the high densities found in Spring Valley and the low densities of Ramapo. As set forth below, the Town Board is considering creating that transition of density on the Site with the western portion closest to Spring Valley being zoned MR-12 and an eastern portion of the Site that abuts North Pascack Road remaining R-15. A portion of the Pascack Brook could serve as a line of demarcation between the two above mentioned zoning districts and a separation between the two densities. The concept includes the placement of a restrictive covenant on tax parcel 50.19-1-46, located at the northeast corner of the Site, which would restrict the use of this parcel to open space, recreational facilities and/or community facilities. With the consolidation of the parcels comprising the Project Area, the MR-12 density from parcel 46 could be shifted to the other parcels within the Project Area.

Findings - Land Use, Comprehensive Plan, Zoning and Community Character

The Town Board finds that the Project Area is suitable for MR-12 multifamily zoning given its characteristics relative to many of the criteria for multifamily zoning in the Town’s Comprehensive Plan as mentioned above. Pedestrian friendly design and pedestrian access to Rose Avenue and/or Ewing Avenue should be a priority in the site plan design and review processes. It is important to design the Project in a way that allows pedestrian connections to Spring Valley while using natural vegetation and other screening measures to limit visual impact on surrounding communities. Architectural review and approval by the Town and a heavily landscaped area within the perimeter setbacks of the Project Area will also be important in avoiding significant adverse impacts to community character.

II.9 Noise and Air Quality

Noise

Chapter 188 of the Ramapo Town Code regulates activities that generate noise. This provision sets forth specific requirements applicable to construction activities, establishing that no person shall operate or permit to be operated any tools, machinery or equipment used in construction, drilling or demolition work:
a. Between the hours of 10:00 PM and 8:00 AM the following day or any time on legal holidays, such that the sound therefrom creates an unreasonable noise across a residential real property boundary.

b. At any other time where the sound level at or across a real property boundary exceeds an L10 of 60 for the daily period of operation.

Town Code Chapter 188 also regulates the use of domestic power tools, horns and signaling devices, and mufflers.

Air Quality

The proposed project area lies in the Region 3: Hudson Valley Air Quality Control Region (AQCR), one of nine regions in New York State monitored for compliance with National Ambient Air Quality Standards (NAAQS).

Of the Federal criteria pollutants mentioned above, the ones currently monitored within this region include the following:

- Sulfur dioxide (SO₂)
- Ozone (O₃)
- Total suspended particulates (PM 2.5)
- Inhalable particulates (PM 10)
- Lead (Pb)

The remaining criteria contaminants, carbon monoxide (CO) and nitrogen dioxide (NO₂), are not monitored within the Region 3 AQCR, but are monitored in the AQCR for Region 2, which includes the five boroughs of New York City. Air contaminants which are typically of concern to vehicle-related projects include ozone, carbon monoxide, nitrogen oxides and lead. Air contaminants that are typically of concern with respect to heating and hot water systems of residential projects include sulfur dioxide and inhalable particulate matter.

Potential Impacts

Noise
Noise levels along the affected roadway network will remain similar to the existing conditions. The Build Condition traffic volumes will result in an increase of less than 1dBA over existing and No Build conditions. This change will not be noticeable. As set forth in the Noise Impact Assessment Report included in Appendix C.4 of the DEIS, in accordance with NYSDEC policy, if the noise impact of a project is determined to be less than 3 dBA, the project would not have a significant adverse impact on residential receptors and mitigation is not warranted. Accordingly, the identified project related impact of less than 1 dBA at receptors for Existing and Future No Build noise levels will have no significant adverse impact.

In light of the fact that the traffic reports submitted for the SEQRA review do not show any significant change in traffic volumes along the affected roadway network, no significant impacts on receptor noise levels are anticipated once the Project is completed.

Project construction must comply with the regulations contained in Chapter 188, Ramapo Noise Standards. Local daytime ambient noise levels will increase both on and nearby to the project area during construction.

Construction activities and operation of construction equipment are both an expected and required consequence of any new construction project and cannot be avoided. However, contractors be required to maintain construction equipment on site in good operating condition, locate generators and power equipment to maintain the maximum distance from residences on adjoining properties, and to enforce the NYS anti-idling law. The noise resulting from construction impacts will be temporary and will cease upon the Project’s completion.

Air Quality

The screening analysis set forth in Appendix C.3 of the DEIS was performed using NYSDOT-TEM method accepted by the New York State Department of Transportation (NYSDOT) for SEQRA review. The traffic analysis imitates the screening criteria of LOS at all intersections for the Build condition. The traffic volumes generated by the proposed project are below the screening thresholds for the NYSDOT regional transportation programs and conform to the State Implementation Plan (SIP) to bring the area into compliance with the carbon monoxide standards. The project affected unsignalized intersections would not be expected to have any significant traffic related impact on local air quality levels and no microscale CO air quality Study was required.
Potential short-term adverse air quality impacts that may result from the proposed Project include fugitive dust and particulate matter from the Project Area, as well as emissions from construction equipment and vehicles.

The construction of the proposed development will involve grading activities that may result in the release of the previously mentioned potential short term adverse air quality impacts. During this period dust and particulate matter from the Project may be released into the air and carried off-site by wind. Construction related air emissions will also result from the use of diesel fuel as a source of energy for construction vehicles and equipment. The primary generator of air emissions from proposed residences is the operation of passenger vehicles.

Mitigation Measures

Noise

Construction activities will comply with the Town of Ramapo construction noise requirements. The noise impacts of the construction activities are short term and no long term adverse impacts are anticipated. Construction vehicles will not be routed from Spring Brook Road to further attenuate temporary construction related noise impacts. Local daytime ambient noise levels will increase both on and nearby to the project area during construction. Construction activities and the operation of construction equipment are an expected and required consequence of any new construction project and cannot be avoided. Therefore, some noise impacts inevitably are to be expected. Noise resulting from construction activities is a temporary impact, and one that will cease upon completion of the project. However, the Planning Board should require, as a condition of approval of any site plan, that contractors be required to maintain construction equipment on site in good operating condition, locate generators and power equipment to maintain the maximum distance from residences on adjoining properties, and to enforce the NYS anti-idling law, and that the construction program incorporate other noise abatement practices where practical.

The impact of site construction activities on noise levels is less than 3 dBA as a result of the Proposed Action, indicating there will be no significant adverse impact on residential receptors. Given the proposed density of the Project, the projected volume of traffic and noise impact assessment performed by Potenta Environmental Consultants LLC, no significant adverse noise impacts are expected to result from the Project.

Air Quality
The traffic volumes generated by the proposed project are below the screening thresholds for the New York State Department of Transportation regional transportation control programs, and therefore conform to the SIP to bring the area into compliance with the carbon monoxide standards.

Mitigation measures, such as the use of a water truck to keep dust down, are required by the 2020 NYS SPDES General Permit, and will be required by the Building Inspector when necessary during construction to limit dispersal of particulate matter. Following project construction, unvegetated areas within the Study area exposed to wind would be landscaped, thereby reducing the potential for dust generation in the long term from the project area.

An air quality impact assessment was performed by Potenta Environmental Consultants LLC, and is included in Appendix C.3 of the DEIS. The air quality impact assessment found that the project-generated traffic and site access road improvements will not cause any new violations with respect to air quality standards or exacerbate existing violations. The project will be consistent with the requirements of the New York State Implementation Plan (SIP).

Findings

With respect to concerns raised by members of the public regarding potential noise impacts on adjacent properties that could be associated with the Proposed Action, the EIS identified and discussed the potential noise impacts and found that there would be a small increase in noise experienced by residents, due to temporary increases in noise associated with construction activities on the Project Area and construction traffic using the surrounding road network.

With respect to the impact of noise associated with construction activities on the Project Area, the Town Board notes that the hours of construction activities are regulated by the Town Code; that such activities will be temporary; that the activities will be phased, which will reduce the extent of construction activity on the property at any one time; that the Applicant has represented that it will require, as standard conditions of any site work contract, that the site contractors properly maintain all equipment on the Project Area and ensure that they have properly functioning noise suppressors; that all contractor vehicles observe NYS anti-idling regulations; and that construction activities on the Project Area be managed to avoid or minimize noise and dust from site activities to the maximum extent practicable.

Therefore, with respect to any future construction activities on the Project Area, the Board finds that any significant adverse impacts can be avoided or minimized, and that those aspects of the Proposed Action will not have a significant adverse environmental impact.
Therefore, as per the analyses and mitigation measures described above, it is found that no significant adverse impacts to air quality and with respect to noise will occur due to the development connected with Proposed Action.

II.10 Visual and Aesthetic Character

The most dominant visual feature of the Site is the overhead transmission power lines located in the Orange and Rockland utility easement traversing the Site from north to south. The power transmission lines are visible from Ewing Avenue and Spring Brook Road. Developed portions of the Site are visible from North Pascack Road and from Ewing Avenue. Mature woodlands existing in the southern, western and eastern portions of the Site are visible from the surrounding area (DEIS, Figures 25, 26 & 27).

Potential Impacts

There are no significant aesthetic resources or public facilities of cultural importance identified within the Site viewshed that would be sensitive to change in the visual environment.

Pursuant to the Town Code, the proposed building setbacks will be a minimum of 35 feet from all property lines. As represented by the Applicant and as required by the Planning Board, significant areas of proposed landscaping and natural vegetation, including trees and shrubs, will remain or be planted around the perimeter of the Project within the setback areas. As a result, it is anticipated that there will be limited views of the Project during the leaves-on condition. During the winter, in the leaves-off condition, the buildings will be visible, but this can be offset by the architectural features of the buildings, which will minimize their mass and appearance. The Town, through its review authority, shall ensure that this architectural representation by the Applicant occurs.

Line of sight diagrams indicate that due to the natural buffer of existing and proposed vegetation, proposed building layout, retention of existing vegetation, and topographic differences, the Project will be buffered from much of the surrounding area (DEIS, Figures 28, 29, 30, 31, 32, 33, 34 & 35). A computer simulation provided in the DEIS shows that the Project can be effectively screened by landscaping and natural vegetation (DEIS, Figure 36). No significant adverse change to visual character will be evident from outside the Project Area from local roads or other publicly accessible locations.

Due to the differences in topographic elevation supplementing the existing vegetation, the development will not create a significant adverse visual impact to the Spring Brook Road
neighborhood. The proposed development along North Pascack Road will be set back the required distance from existing development on the opposite side of the roadway. From Ewing Avenue, viewers will only be able to look down the existing utility right-of-way, since existing and proposed vegetation will block views along the road.

**Mitigation Measures**

The potential visual and aesthetic impacts of the Project can be mitigated by the 35-foot setback required by the Town Code. Proposed landscaping and existing vegetation within these setbacks can provide screening of the Project Area from the surrounding area. Also, pursuant to the Town Code, buildings are limited to a maximum height of 40 feet.

Potential impacts during the leaves-off condition during winter months shall be by attractive building design and attention to design elements and the use of earth tone colors and low-reflective materials. The Applicant represents that the buildings use earth tones and low reflective materials. This condition could be implemented through the HOA that will be created for the Project. Further, the Town has ARB approval authority over the proposed architecture and landscaping. The Town CRDC will review and approve the proposed architectural details during site plan review.

Outdoor lighting fixtures shall be designed, sized and located such that they do not cast a more than 0.6 foot-candle at perimeter property lines. Exterior lighting for buildings and circulation areas shall be designed to carefully take into account the minimization of light pollution. All outdoor light fixtures shall be shielded.

**Findings**

It is found that no significant adverse impacts to the viewsheds, aesthetics or community character will result from the Proposed Action. No significant adverse change to the visual character will be evident from the perimeter of the Project Area, from the roads around the Site, or other publicly accessible locations. Any potential impacts, albeit insignificant, are mitigated to the maximum extent practicable by the measures set forth above.

**II.11 Historic and Archeological Resources**

**Potential Impacts**
A Phase 1A documentary Study and a Phase 1B survey were conducted for the Site. The purpose of the Phase 1A documentary Study was to determine the prehistoric and historic potential of the Study area for the recovery of archaeological artifacts. The Phase 1A was implemented by a review of environmental data, archaeological site files, other archival literature, maps and documents.

The prehistoric and historic site file search was conducted at the New York Historic Preservation Office in Waterford, New York. A historic map search was conducted at the NYS Library. Various historic websites were queried via the internet to review pertinent site information.

The Phase 1A Study determined that, based on topographic characteristics and proximity to prehistoric and Native American trails, the Study area had an above-average potential for encountering historic sites.

Accordingly, a Phase 1B survey was conducted on the Site. The purpose of the Phase 1B survey was to recover physical evidence of the presence or absence of archaeological artifacts in the Study area before their potential destruction. This was accomplished via subsurface testing and ground surface reconnaissance.

Field testing included the excavation of 348 shovel tests (STs) across the Study area. No evidence of any prehistoric or historic artifacts or features were encountered within the confines of the area.

Mitigation Measures

As the Phase 1B Study did not encounter any prehistoric or historic artifacts or features or the Site, no further work or mitigation is required in this regard.

Findings

Based on the fact that the Phase 1B archaeological field survey did not encounter any prehistoric or historic artifacts or features, the Project is not anticipated to pose any significant adverse impacts to cultural or historic resources.

II.12 Construction Related Impacts

Potential Impacts
The construction of the project is expected to last for a duration of 24 months. It is anticipated that the first phase of construction will take 3 months and will involve the construction of retention basins and internal roadways with connection to Ewing Avenue. Construction will then progress with the development of various neighborhoods within the Project Area, beginning with the neighborhood which is in the northern portion of the Project Area to the west of Pascack Brook (DEIS, Table 36). The precise phasing of Project development will be determined during site plan review.

Construction access will be via Ewing Avenue and Pascack Road (DEIS, Figure 39). It is anticipated that the truck route will also be the primary route for construction workers. All construction activities will be managed from a single construction entrance on Ewing Avenue, except for units along North Pascack Road. The construction entrance is just over a half-mile from one of the major anticipated suppliers for the Project, Monsey Lumber. Minimal impact to neighboring properties will be created by deliveries. During the beginning stages of construction, when rough grading, utility installation, and asphalt/curb installation is taking place, 4 to 6 deliveries a day would be expected. When construction shifts from land improvement to building construction, large truck deliveries will be limited, and 2 to 3 smaller box truck are anticipated on a daily basis.

All construction vehicles must conform to applicable air pollution and noise control requirements. Dust control measures will include using water at construction entrances to clean trucks exiting the Project Area.

Truck movements will be spread throughout the day and generally occur between the hours of 7:00 AM and 4:30 PM. Project-generated traffic as a result of construction workers is not anticipated to significantly impact traffic volumes since work site trips generally occur before the AM and PM peak hours. (DEIS, at 102). Construction workers will generally commute daily to the Project Area at between 6:30 and 7:00 AM and leave between 4:00 and 4:30 PM. Site work will occur Monday thru Friday and possibly on Saturday between 10:00 AM and 5:00 PM. Construction workers will access the site via the proposed construction entrance and park in temporary parking areas on site within the area of disturbance.

As previously noted, the Applicant anticipates that the Project will be balanced such that during construction, soils will not need to be removed from or brought to the Project Area. In the event that soils need to be brought to or removed from the Project Area, construction traffic would be spread throughout the day, and would not occur during the PM peak hour. The most maximum number of truck trips that are projected daily is 40 per day, or about 5 per hour. The Town Board is advised by its traffic consultant that this volume of traffic does
not present a significant adverse impact. The Town Board finds that this is not a significant adverse increase in traffic.

Throughout the construction, stockpiles of soils have the potential to erode onto adjacent properties and nearby water sources if not properly handled and stabilized.

Mitigation Measures

With the bulk of the construction occurring internally to the site, the maintenance of a mature tree corridor around the periphery of the site, and the use of water trucks to minimize dust, the Project will provide considerable mitigation to keep wind-blown fugitive dust from leaving the Project Area. Further, mitigation will include other erosion control measures, such as silt fences for limits of construction and around stockpiling areas.

Project construction must comply with the applicable requirements of the Town Noise Pollution Control Law, Chapter 188 of the Town Code, Section 237 of the Town Code, and Article XIV – Administration and Code Enforcement.

Potential impacts generated during the construction phase of the project are short-term in nature and must be avoided or minimized by the development and implementation of a Soil Erosion and Sedimentation Control Plan, which must be approved during site plan review. This plan must be prepared in compliance with Chapter 237 of the Town Code and the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities. This plan must incorporate temporary and permanent controls along with construction sequencing and construction monitoring to prevent erosion of existing soils and to prevent sediment laden run-off from entering the nearby wetlands and watercourses.

Findings

It is found that potential impacts due to construction related activities will be avoided and adequately mitigated by the measures discussed above.

III. Alternatives

The New York State Environmental Quality Review Act calls for a description and evaluation of the range of reasonable alternatives to the action, which are feasible, considering the objectives and capabilities of the project sponsor.

Potential Impacts
III.1 No Action Alternative

In accordance with SEQRA regulations, the No Action alternative must evaluate the adverse or beneficial impacts that would occur in the reasonably foreseeable future in the absence of the Proposed Action. The No Action alternative assumes the proposed Site would be developed in accordance with its existing R-15 zoning and is therefore the same as the R-15 One-Family Alternative, R-15 Two-Family Alternative and R-15 Cluster Alternative below. Further, ownership of those portions of the Study Area that contain environmentally sensitive areas would be divided among individual property owners.

III.2 R-15 One-Family Alternative

The one-family alternative is a residential subdivision of the property in conformance with the R-15 zone requirements. Under this scenario, the properties within the Site would be developed into 44 new one-family detached dwellings on 15,000 square foot lots, conforming with Use Group x.1 setbacks and bulk regulations.

The conventional subdivision does not advance the land use objectives set forth in the 2004 Comprehensive Plan, including the Town’s housing objectives. Substantial disturbance would still be required to create roadway connections and provide utility connections. However, the development would not expand the range of housing opportunities or maximize the Site’s capability to provide additional housing units.

Lot sizes would be sufficient to preserve the sensitive environmental features of the Site, while development would be minimized. Existing foliage would remain throughout the Site affording views of mature vegetation. Additional residential population would generate an increase in school age children. Regrading and disturbance to geology, soils and topography would occur. There would be alteration of drainage patterns and the addition of impervious surfaces to the Site. Drainage infrastructure would be constructed for stormwater management purposes.

Under this alternative, the short-term impacts associated with construction, including noise and dust would occur. There would be a temporary increase in vehicular traffic from resulting construction activities.

III.3 R-15 Two-Family Alternative
The two-family alternative is a residential subdivision of the property in conformance with the R-15 zone requirements. Under this scenario, the properties within the Site would be developed into 28 new two-family detached dwellings (56 units) on 20,000 square foot lots, conforming with Use Group x.2 setbacks and bulk regulations.

Lot sizes would be large enough to preserve the sensitive environmental features of the Site, while allowing development to occur. Much of the existing foliage would presumably remain throughout the Site, affording views of mature vegetation. Additional residential population would likely generate an increase in school age children. Regrading and disturbance to geology, soils, and topography would occur. There will be alteration of drainage patterns and the introduction of impervious surface to the Site. Drainage infrastructure would be constructed for stormwater management purposes.

Under this alternative, the short-term impacts associated with construction, including noise and dust would occur. There would be a temporary increase in vehicular traffic from resulting construction activities.

The alternative does not, however, advance the land use objectives set forth in the 2004 Comprehensive Plan.

III.4 R-15 Cluster Alternative

The cluster alternative is a residential subdivision of the property in conformance with the R-15 zone requirements. Under this scenario, the properties within the Site would be developed into 44 new one-family dwellings on 10,000 square foot lots, conforming with Use Group x.1 cluster setbacks and bulk regulations. Similar to the R-15 Conventional Alternative, the Cluster Alternative does not recognize the Site's suitability for multifamily housing.

Lot sizes would be sufficient and strategically clustered to preserve the sensitive environmental features such as steep slopes, wetlands and flood plains on site. Unlike the 20,000 square foot and 15,000 square foot subdivisions, this alternative will significantly reduce disturbance to and loss of natural topography.

Existing foliage would remain throughout the Site affording views of mature vegetation. Additional residential population would generate an increase in school-age children. There would be alteration of drainage patterns and the introduction of impervious surface to the Site. Drainage infrastructure would be constructed for stormwater management purposes, although not across the entire Site.
Under this alternative, the short-term impacts associated with construction, including noise and dust would occur. There would be a temporary increase in vehicular traffic from resulting construction activities.

The alternative does not, however, advance the land use objectives set forth in the 2004 Comprehensive Plan.

**III.5 MR-8 Alternative**

The MR-8 alternative, is a residential multifamily development in conformance with the MR-8 District regulations. Under this alternative, the properties within the Site would be developed into 216 new dwelling units at approximately 8 units per acre. This action would be one-third less dense than the Proposed Action, not recognizing the Site’s full potential to be developed as multifamily residential development in comparison to the Proposed Action.

Unlike the R-15 development alternatives, the MR-8 alternative will significantly cut disturbance to and loss of the Site’s natural assets by residential development.

Existing foliage would presumably remain throughout the Site affording views of mature vegetation. Additional residential population would be generated and there would be an increase in school-age children. Regrading and disturbance to geology, soils, and topography would occur. There would be alteration of drainage patterns and the introduction of impervious surface to the Site. Drainage infrastructure would be constructed for stormwater management purposes throughout the Site.

Under this alternative, the short-term impacts associated with construction, including noise and dust would occur. There would be a temporary increase in vehicular traffic from resulting construction activities.

The Town Board finds, however, that the R-15 / MR-12 zoning described below better advances the housing objectives set forth in the 2004 Comprehensive Plan.

As mentioned above, the Town Board has received comments categorizing the proposed density of MR-12 as being out of keeping with surrounding densities and a poor transition from the high densities found in Spring Valley and the low densities of Ramapo. Based upon a recommendation from Frederick P. Clark Associates, the Town’s Planning Consultants, the Board is considering creating that transition of density on the Site, with the western portion that abuts Spring Valley being zoned MR-12 and an eastern portion of the Site that abuts North Pascack Road remaining R-15. A portion of the Pascack Brook could serve as
This alternative essentially consists of the following:

1. Rezone all of the Monsey Lumber and Union Collins Realty parcels (tax parcels 50.19-1-44, 46, 47, 56 through 67, 70 and 71, and 57.07-1-2 and 19) to MR-12;

2. Rezone ten (10) parcels (tax parcels 50.19-1-45, 48 through 53, 68 and 69) in the vicinity of the Christa Lynn Drive right-of-way to MR-12;

3. Retain the R-15 zoning on the 171 North Pascack Corp (Collishaw) parcel (tax parcel 50.19-1-72) on both sides of Pascack Brook, recognizing that that parcel does not contain sufficient lot area to meet the minimum lot area of the MR-12 zoning district for multifamily development, that the parcel is split by the Pascack Brook, that the environmental review disclosed that the portion of the parcel on the west side of Pascack Brook has significant constraints on its use for such purpose, and further that the owner has not actively participated in the environmental review process;

4. Retain the R-15 zoning on the eight (8) parcels on the east side of Pascack Brook to the south of the Collishaw parcel (tax parcels 57.07-1-3, 4, 5, 7, 8, 8.1, 9 and 10), recognizing that those parcels are small in size and in separate ownership, and therefore are unlikely to be combined to provide the minimum lot area required for multifamily development.

5. Rezoning the Christa Lynn Drive right-of-way to MR-12; and

6. The placement of a restrictive covenant on tax parcel 50.19-1-46, located at the northeast corner of the Site, which would restrict the use of this parcel to open space, recreational facilities and/or community facilities. With the consolidation of the parcels comprising the Project Area, the MR-12 density from parcel 46 could be shifted to the other parcels within the Project Area.

This alternative would have the following benefits:

1. None of the land to the east of Pascack Brook would contain MR-12 residential development. The land to the east of the Brook would either be developed in accordance with R-15 zoning, or would be used for recreational/community facility
purposes. This would create an R-15 zoned and used land area on the Site between the MR-12 development on the Site and the R-15 developed neighborhood to the east.

2. The majority of the parcel at the northeast corner of the Site, which was recommended to be “Proposed Open Space” by the 2004 Town Comprehensive Plan, would be used as such, with perhaps a portion of the parcel being used for community facilities.

3. The eight (8) properties on the east side of Pascack Brook to the south of the Collishaw property are all undersized relative to the minimum lot area of the MR-12 zoning district, and eliminating those parcels from the MR-12 rezoning would avoid making those lots nonconforming in terms of minimum area.

Findings

All alternatives will result in temporary construction jobs, tax revenues, improvements to local infrastructure, funding for local emergency service providers and elimination of existing septic tank systems.

IV. Adverse Environmental Impacts that Cannot be Avoided or Adequately Mitigated if the Proposed Action is Implemented

This Findings Statement has documented the Study Area, characterized the potential impacts that may arise due to the Proposed Action to the Site and its vicinity, and has assessed mitigation measures for same. Some adverse impacts may still exist for which no mitigation is available or which will be minimized to the maximum extent practicable. The adverse impacts for the proposed project will be minimized where possible, but this section acknowledges those impacts that may still occur as follows:

Short-Term Impacts

Noise Impacts. During construction, noise levels may increase. The types of construction equipment will include bulldozers, front-end loaders, dump trucks, compressors and paving equipment. While the Town Board does not find these to be significant adverse impacts, as set forth in these Findings, certain steps will be required to minimize construction noise, including that all equipment will have functioning proper muffler systems and construction will be limited to permitted daytime hours.

Air Quality Impacts. Similarly, temporary air quality impacts associated with construction activities may occur including fugitive dust, exhaust emissions from construction vehicles and
increased traffic on local roadways from workers commuting to the Study area. While the Town Board does not find these to be significant adverse impacts, as set forth in these Findings, certain steps will be required to minimize these temporary impacts, including using best management construction techniques including wetting the ground, providing wind protection to reduce air borne dust, covering stored materials, and proper maintenance of equipment.

Soil Erosion. Potential soil and erosion control impacts will be mitigated by adhering to the Erosion and Sediment Control plan to be developed for the project in accordance with the NYSDEC Phase II regulations and the SPDES General Permit for stormwater discharges from construction activity.

Long-Term Impacts

Removal of vegetation. The alteration of land to accommodate roads, buildings and driveways will permanently impact the existing vegetation. Existing vegetation will be maintained and supplemented with new plantings within the 35-foot setback around the Project Area for screening purposes. Some removal of vegetation took place during the installation of the new Rockland County sewer line within the Study area.

Impact to stormwater runoff. Development of the Project Area will result in an increase in impervious coverage. This will impact the amount of natural sediment and existing stormwater storage capabilities of the site. A stormwater management plan will minimize the impacts to adjoining properties and limit peak runoff rates.

Increase in Population and School Age Students: As discussed in greater detail above in these Findings, based on the East Ramapo School District’s present experience, it is anticipated that approximately 75% of students will be provided a private school education, it is projected that 77 additional students would enter the public school system from the Project, while the remaining 229 children would attend private schools, but would rely on the School District for transportation. No mitigation measures are necessary for the East Ramapo Central School District, including because the Project will result in a net fiscal gain to the District. The Project’s added expenses to the District will be offset by the increased revenues which will go to the School District as described above.

Increase in Traffic: Development of multifamily housing at the Site will create an increase in traffic volume. While the studied intersection will maintain acceptable overall levels of service, some movements will experience moderate increases in waiting times during a limited portion of the day. As discussed in greater detail above in these Findings, the traffic
generated by development of the Site pursuant to the MR-12 would not create significant adverse impacts warranting mitigation. Even with Project generated traffic, the Pascack Road/Mirror Lake Road intersection will not meet the Town's standard 8-hour warrant analysis to justify the installation of a signal at this intersection. As discussed above, the Town Board nevertheless accepts the Applicant's representation that it will conduct a post-occupancy warrant analysis to confirm the results of its pre-construction analysis, and install a signal at that intersection if the signal warrants are met.

*Use of additional resources.* Development of multifamily housing on the Site will result in increased consumption of electricity, gas and water. The consumption will be offset to the extent practicable by energy saving measures and energy efficient construction complying with the NYS Energy Standards. Adequate supply and capacity exist for all of these resources and service can be provided to the development with typical improvements and connections.

The Town Board has weighed and balanced these unavoidable impacts against the social, economic and other benefits of the Proposed Action. There is a need for diversified, housing to meet the unprecedented growth that is occurring in the Town of Ramapo and in Rockland County, which otherwise is likely to be met by resort to variances or illegal conversion of existing housing stock that on lots that were not designed or planned for higher density residential use. These unavoidable impacts are deemed acceptable given the substantial benefits of the Proposed Action.

V. Irreversible and Irretrievable Commitments of Environmental Resources that Would be Associated with the Proposed Action Should It be Implemented

This section of the Findings Statement identifies those natural and human resources that will be consumed, converted or made unavailable for future use as a result of the proposed project. The Proposed Action will result in irreversible and irretrievable commitment of resources as follows:

**Short-Term**

There are many resources, both natural and built that would be expended in the construction and operation of the proposed project. These resources include the materials used in construction; energy in the form of fuel and electricity consumed during construction and operation of the proposed project, human resource (time and labor) required to develop, construct and operate the various components of the proposed project.
The resources are considered irretrievably committed because their reuse for some purpose other than the proposed project would be highly unlikely. The proposed project constitutes an irreversible and irretrievable commitment of the Site as a housing development, thereby rendering the subject property for other purposes infeasible, at least in the near-term.

Long-Term

Land Use. The Proposed Action will enable the development of multifamily housing on the Site. Vegetative cover would be maintained as manicured lawns surrounding the proposed residential buildings and parking lots. As stated previously, existing vegetation will be maintained and supplemented with new plantings within the 35-foot setback around the Project Area for screening purposes.

The Proposed Action changes the development pattern of the area and its vicinity permanently, but does not adversely impact the viewsheds, aesthetics and community character. Any potential impacts due to a change in the land use and zoning, albeit not significant, are minimized, avoided or mitigated as described elsewhere in this Findings Statement.

Flora and Fauna. The development will displace both plant and animal species, but the critical ecology of the Pascack Brook will be maintained. Proper construction area limits and silt fencing will avoid the critical wildlife corridor area along the Brook which will help preserve the continuity and integrity of this resource.

Energy. Construction of multifamily housing on the Site will create additional demand for energy for space heating, cooling, lighting and cooking. The use of insulation materials for windows and doors, and energy efficient HVAC equipment and appliances will minimize the amount of energy consumed.

A number of resources, both natural and built, would be expended in the construction and operation of the Proposed Project. These resources would include the materials used in construction; energy in the form of gas and electricity consumed during the construction and operation of the Proposed Project; and the human effort (i.e., time and labor) required to develop, construct and operate various components of the Proposed Project.

Those resources are considered irretrievably committed because their reuse for some purpose other than for the Proposed Project would be unlikely. The land use changes associated with the development of the Site would be considered a resource loss. The Project
would constitute an irreversible and irretrievable commitment of the Project Area as a land resource, thereby rendering land use for other purposes infeasible, at least in the near-term.

The Town Board has weighed and balanced these commitments of land resources and materials against the social, economic and other benefits of the Proposed Action. There is a need for diversified housing to meet the unprecedented growth in Rockland County and the Town of Ramapo. The commitment of resources for this project is necessary to expand the housing supply. Overall, the proposed project would not expend a significant amount of resources and would have substantial benefits by providing needed housing.

VI. Growth-Inducing Aspects of the Proposed Action

Growth inducing aspects of the Proposed Action are those characteristics which would cause or promote further development in the vicinity, either directly due to the project or indirectly as a result of a change in the population, markets or potential for development in that community.

The Proposed Action would result in multifamily housing and the consequent increase in the residential population are anticipated to increase the demand for neighborhood goods and services. This demand would be largely be met by existing businesses located in local and commercial corridors in the Monsey area. The Proposed Action would contribute to secondary growth in the local economy, primarily due to employment and increased revenue generation as described in the Socioeconomics section of this Findings Statement.

The Proposed Action would result in a more intensive land use, but substantial open spaces remain. It is not anticipated that the development will have significant spillover or secondary effects resulting in substantial new development in nearby areas, as the Proposed Action is designated only for the subject Site. The Project is a result rather than a source of demand for housing. This project may contribute to investment and additional renewal within the Route 45 business district.

The area surrounding the Site is largely developed, and the level of development is controlled by zoning. As such, the Proposed Project would not “induce” new residential growth beyond the Study Area. The Proposed Project would utilize existing infrastructure, and the Proposed Action would not result in any significant adverse impacts to water supply or wastewater and storm water infrastructure.

VII. Impacts of the Proposed Action on the Use and Conservation of Energy
Energy consumption will occur during the construction and operation of the multifamily housing developed pursuant to the Proposed Action. During the construction phase, energy will be used to power equipment and various construction vehicles. Once construction is completed, multifamily housing will require energy for heating, air conditioning and electricity.

Electricity and gas for the multifamily housing will be provided by Orange and Rockland Utilities from a new underground distribution system that will be constructed to distribute electricity to the development. The Proposed Action contemplates multifamily residential development, and energy will be consumed for space heating, air conditioning, water heating, refrigerators, appliances and lighting.

Energy conservation is regulated at the State level. The design and plans for residential buildings must comply with the New York State Energy Conservation Construction Code. The Code specifies basic requirements that are mandatory for all residential buildings. These requirements apply to heating and cooling systems, the hot water system, the electrical system, material and equipment specifications, and sealing the building envelope.

With regard to the design of building envelopes, the NYS Energy Code requires that:

- Insulation R-values and glazing and door U-factors must be certified by the National Fenestration Rating Council (NFRC) or by using default values found in tables published in the Code.

- Vapor retarders must be installed in non-vented framed ceiling, wall and floor areas.

- Insulation levels for walls, roofs, and below-grade walls and glazing areas, and U-factors for windows and skylights must meet or exceed minimum efficiency levels.

- Air leakage must be limited through the building envelope. The NYS Energy Code also requires that water and air cooling and heating mechanical systems and equipment must comply with Code, and compliance is dependent on the type of mechanical equipment proposed.

Regarding lighting standards, the NYS Energy Code requires:

- Manual or automatic controls or switches that allow occupants to dim lights and turn them on or off as appropriate must be installed. The Code identifies control, switching, and wiring requirements that apply to all buildings.
Total connected loads for indoor lighting systems that do not exceed power allowances for a building must be installed. The Code demonstrates how to comply with interior lighting power limits.

Energy-efficient exterior lighting. The Code specifies criteria for complying with exterior-lighting requirements which must be employed.

The following measures are proposed to address energy impacts related to the proposal:

**Alternate Energy.** The Applicant will evaluate Solar Domestic Hot Water (SDHW) in the multifamily units to the extent feasible. SDHW can reduce the cost of making hot water by 50 to 75%. Solar water heaters use a free renewable resource without generating pollution. Their use reduces the demand for energy from coal, oil, natural gas and propane, creating a cleaner and safer environment.

**Energy Efficient Building Materials.** The Applicant has made the commitment to provide energy efficient buildings. The Applicant will comply with the most recent requirements of the Town of Ramapo Building Code to use high efficiency double-pane windows, water saving devices and ecologically friendly lighting systems.

**VIII. Determination of Significance on Supplementation**

The Town Board has made every effort to ensure that there has been a comprehensive SEQRA review of the Project, with maximum opportunities for public comment. While, for example, the NYSDEC, the agency primarily responsible for SEQRA’s implementation, is clear that not only does SEQRA not contemplate a public comment period on an FEIS but, moreover, that a Lead Agency “has no obligation to respond to comments on a final EIS,” NYSDEC, SEQRA Handbook, at 142-43 (2010), the Town Board decided to surpass the basic procedural requirements of SEQRA by providing an extended public comment period on the FEIS.

Moreover, when the Applicant elected to prepare a Technical Addendum, submitted on July 9, 2019, to respond to certain comments submitted on the FEIS, the Town Board’s notice of public hearings on the Comprehensive Plan and zoning amendments specifically invited comment on that document at its public hearings on August 15, 2019 and provided an extended period for written comment. The Applicant thereafter submitted certain
supplemental information on traffic and sewer capacity in response to public and agency comments on the Technical Addendum.

The Town Board has reviewed the record in this matter to determine if any of the responsive information provided by the Applicant, or any other information or issues, trigger the need for supplemental environmental review. In conducting this analysis, the Town Board appreciates the Legislature intent that SEQRA an interminable review process. While the Town Board is pleased to have provided several opportunities for public and agency input on the Proposed Action, it recognizes, as the Court of Appeals has counseled, that agencies should not allow SEQRA review to devolve into a process involving “constant updating, followed by further review and comment periods,” holding that this “would render the administrative process perpetual and subvert its legitimate objectives.” Jackson v. N.Y.S. Urban Dev. Corp., 67 N.Y.2d 400, 425 (1986). As the Jackson Court further held, requiring new analysis and hearings every time “some new circumstance has arisen, some new trend has been observed, or some new fact discovered, would [leave] little hope that the administrative process could ever be consummated in an order that would not be subject to reopening.”

The Town Board is also mindful of SEQRA’s overarching “Rule of Reason,” which establishes that agencies do not need to address “every conceivable environmental impact, mitigating measure or alternative” to satisfy SEQRA’s mandates. See Neville v. Koch, 79 N.Y.2d 416, 426 (1992).

From this foundation, the Town Board, as Lead Agency, recognizes that its obligation is to consider whether a supplemental environmental impact statement (SEIS) is required. In doing so, the Town Board limited to significant adverse environmental impacts that were either no addressed or inadequately addressed in the EIS relating to: (i) changes in the proposed project, (ii) newly discovered information, or (iii) changes in circumstances related to the project. 6 NYCRR § 617.9(a)(7)(i).

As with any determination of significance, a Lead Agency is not required to hold a public hearing or allow public comment when making its determination as to whether or not a SEIS is required (Matter of Coalition Against Lincoln W., Inc. v Weinshall, 21 A.D.3d 215, 223 (1st Dept. 2005)). In making that determination, the Town Board has taken a ‘hard look’ at the record before it, particularly with respect to new information, changed circumstances and project modifications since the FEIS was accepted, to determine whether there may be any significant adverse environmental impact that were not addressed or inadequate addressed in the EIS on the Proposed Action, and that therefore would require a SEIS.

Project Modifications
Applicants often modify their projects in the course of environmental review. An applicant may propose modifications in response to issues or concerns identified in the course of review or as the result of changes in its objectives. SEQRA jurisprudence makes clear that the development and improvement of an action through the SEQRA process is evidence of a functioning SEQRA process. See, e.g., Coalition for Responsible Planning, Inc. v. Koch, 148 A.D.2d 230, 236 (1st Dept. 1989), (“Indeed, what better example of the requisite ‘hard look’ is there than the incorporation in the FEIS and adoption by the Board of Estimate of alternatives developed as a direct result of the review process?”) The mere fact that a project has changed during the SEQRA process does not require the preparation of an SEIS: the modifications must have the potential to cause potentially significant adverse environmental impacts. Whether or not a modification is “significant” is for the reviewing agency to decide, after identifying the relevant areas of concern, taking a “hard look” at the potential impacts, and making a reasoned elaboration for the basis of its determination.

The Board finds that no project modifications, as that term is used in Part 617, have the potential for any significant adverse environmental impact that would warrant supplemental SEQRA review, including, but not limited to, to the following.

Spring Brook Road Access

It is uncertain whether the Project will be able to utilize the access points to Spring Brook Road that were evaluated in the FEIS traffic Study. While the Town of Clarkstown has adopted a local law that removes those access points from the Town’s Official Map, the Ramapo Town Board understands that the Applicant will be commencing legal action to challenge that action. As such, as reflected in the traffic and other sections of this Findings Statement, the Ramapo Town Board has considered the Proposed Action both with and without access through Clarkstown. The Board notes that the conceptual development plan studied in the DEIS did not propose access from Spring Brook Road in the Town of Clarkstown. The traffic Study in the DEIS showed that Project traffic would not have a significant adverse impact on the road network. The Applicant responded to concerns about school bus access by modifying its Concept Plans to provide access to the Pascack properties from two existing access points on Spring Brook Road, extending its north-south access road to connect Ewing Avenue on the north and Spring Brook Road on the south to facilitate access by school buses. The traffic impact of that modified access plan was evaluated in the FEIS. The Technical Addendum, which was the subject of a public hearing, provided a traffic analysis demonstrating that the modification would not have a significant adverse impact on Spring Brook Road or the adjacent Clarkstown roadway network. Inasmuch as the relevant environmental impacts associated with the Project either having access through Clarkstown or not were evaluated in the EIS, and subject to public comment...
and scrutiny during the extended review and comment period on the FEIS, and the Technical Addendum, the Town Board finds that this issue does not trigger the need for an SEIS.

Traffic Signal at Pascack/Ewing Intersection

To address anticipated traffic impacts at the Pascack Road/Ewing Avenue intersection, the Applicant proposed to install a traffic signal to mitigate the impact of project traffic on two movements in that intersection. At the request of the Town’s consulting traffic engineer, the Applicant’s traffic engineer conducted a signal warrant analysis to determine whether installation of a traffic signal at that location was consistent with the Town’s policy of allowing traffic signals only when appropriate signal warrants are met. That report evaluated the operation of the intersection in the Build condition with and without the proposed traffic signal. It concluded that the signal did not meet the standard 8-hour signal warrant analysis used by the NYSDOT, Rockland County DPW, and the Town, or any criteria that would allow an exception to use of the standard warrants.

The Town’s consulting traffic engineer reviewed that report and advised the Board that while two movements at the Pascack/Ewing intersection would have increased delays, the intersection would operate at an overall satisfactory level of service in the anticipated Build condition without the signal. The Town’s traffic consultant further notes that the Town has, as a standard policy, consistently declined to approve traffic signals proposed for Town roads that do not meet the standard 8-hour warrant analysis, due to the cumulative delay on traffic using the Town road network that would result from the proliferation of unwarranted traffic signals.

The Applicant will, however, be required to fund and conduct a post-occupancy traffic Study to confirm this analysis. This analysis must take place a minimum of six months after full occupancy of the Pascack Ridge project. In the event that this Study conflicts with the analysis now in the record and justifies a traffic signal at the Pascack Road/Mirror Lake Road/Northbrook Road intersection, the Applicant has represented and agreed that it will fully fund the installation of such signal.

As the impact of this change was evaluated in the warrant analysis and not found to be significant and is consistent with the existing policy of the State, County and Town to maintain adequate levels of service on the road network by avoiding the proliferation of unnecessary signals such that the installation of a signal at the location proposed by the Applicant is neither necessary to mitigate any current impact nor feasible due to the Town’s policy, the Town Board finds that this modification does not trigger the need for an SEIS.
New Information

In the case of new information, the decision to require an SEIS must be based on: (a) the importance and relevance of the information; and (b) the present state of the information in the EIS. See 6 N.Y.C.R.R. § 617.9(a)(7)(ii). To require an SEIS on this basis, the Board must consider whether such new information indicates that the Project may give rise to a significant adverse environmental impact that was either not considered or inadequately considered in the EIS. 6 NYCRR 617.9(a)(7)

The Board finds that there is no new information, as that term is used in Part 617, that warrants supplemental SEQA review. While, for example, the Applicant’s supplemental technical submissions included evaluation of specific traffic-related concerns and a report analyzing available sewer capacity, that information responded to concerns expressed in comments on the FEIS and Technical addendum. As noted in the reports, and confirmed by review of the submission and report of the Town’s planning and engineering consultants, the information confirms that the anticipated Project traffic will not have a significant impact on operation of the evaluated traffic intersections, and that the existing Rockland County Sewer District No. 1 sewer main has adequate capacity for the anticipated sewer discharge from the Project.

Changed Circumstances

Changes in the circumstances that surround a project may trigger the need for supplementation where, again, significant adverse environmental impacts that were either not addressed or inadequately addressed in the EIS require the Lead Agency to determine whether those circumstances may cause the project to have a significant adverse effect not evaluated in the EIS. As with project modifications, changes in circumstances that occur after the issuance of an EIS do not necessarily require preparation of a SEIS; the changes must have the potential to cause a significant adverse environmental impact.

To fulfill its obligations as Lead Agency, the Town Board first considered whether there are any changed circumstances which would warrant preparation of an SEIS. To the extent that the Town of Clarkstown has taken action to prevent the use of Spring Brook Road, the impact of that action can be clearly evaluated by reference to the traffic studies in the DEIS, FEIS and Technical Addendum, and does not have any significant adverse impact on traffic or community character. The Board finds that there are no changed circumstances, as that term is used in Part 617, that warrant supplemental SEQRA review. Accordingly, the Town Board determines that supplemental environmental review is not warranted, and determines that it is unnecessary.
IX. Applicant Representations

In making its SEQRA findings, the Town Board relies upon voluntary agreements and representations of the Monsey Lumber Applicant, as set forth in the environmental record before the Board, and in the submissions made by the Applicant and the consulting team it has retained to assist it in the environmental analysis of the Proposed Action. The Applicant has further represented and agreed that it will either consent to the incorporation of such representations and agreements as enforceable conditions of any approval of a site specific plan for development or return to the Town Board for amendment of the Findings Statement insofar as may be required due to the Board’s reliance on such representations and agreements.

While the Board is mindful that SEQRA does not change the jurisdiction of agencies, the Board has relied upon those agreements and representations, and the Board finds that they must be incorporated as relevant conditions of any resolutions by the Planning Board granting approval to the site plan.

The final site plan must either be consistent with this Findings Statement and the representations set forth herein or with written findings adopted by the Planning Board, based on the environmental record and the specific plan before it, before the site plan will be signed by the Planning Board Chairperson. As appropriate, this Findings Statement makes specific reference to such agreements and representations.

VI. Site Plan Review

The Town Board is mindful that the Applicant has provided Concept Plans for purpose of facilitating the Board’s environmental review of the Proposed Action before it. To the extent that the environmental record supporting the Board’s findings is based on review of those Concept Plans, the Board notes that many comments received during the SEQRA process concern site plan details.

As the Board has continuously stated, its SEQRA findings address the potential environmental impacts of that SEQRA action. SEQRA does not change the jurisdiction of agencies, and when a site-specific development plan is prepared for any portion of the Pascack properties, SEQRA will require that each agency with jurisdiction over that plan will review the record and adopt its own findings. When the Planning Board reviews a site-specific plan for development, it will consider any new information, project modifications and changed circumstances, and adopt its own written findings, then proceed forward with the site plan.
review and approval process. These Findings do not restrict or constrain the Planning Board in applying the site plan standards when making its ultimate determination as to whether the proposed development complies with those standards.

X. Certification of Findings

This Findings Statement hereby certifies that:

1. The Town Board has given consideration to the Draft and Final Environmental Impact Statements prepared in connection with the Proposed Action as well as the Technical Addendum and the supplemental information provided by the Applicant.

2. The requirements of 6 NYCRR Part 617 have been met.

3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including the effects disclosed during the SEQRA process.

4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts revealed in the environmental impact statement process will be avoided or minimized by incorporating mitigation measures as conditions to the decision, including those mitigative measures that were identified as practicable during the SEQRA process.

This Findings Statement shall be filed with the Town Supervisor of the Town of Ramapo and the Town Board, all Involved and Interested Agencies as identified in the EIS, the NYSDEC Environmental Notice Bulletin, any person who has requested a copy, and the Applicant. A copy of the Findings Statement shall be forwarded to the Planning Department of the Town of Ramapo, and maintained in files that are readily accessible to the public and shall be made available on request.
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<thead>
<tr>
<th>Intersection</th>
<th>Approach</th>
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<th>AM Peak</th>
<th>PM Peak</th>
<th>SUNDAY peak</th>
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Source: Harry Baker Associates
## 2020 No-Build Conditions - LOS Capacity Analysis Summary

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Source: Harry Baker Associates

## Trip Distribution

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Source: Harry Baker Associates
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Source: Harry Baker Associates
## 2020 Build Conditions With No Mitigation

### LOS Capacity Analysis Summary

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Source: Harry Baker Associates