

FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation
Rye, New York and Fairfield, Connecticut

350 Theodore Fremd Avenue
Rye, New York 10580

(914) 967-6540 • FAX (914) 967-6615

David H. Stolman, AICP, PP
Michael A. Galante

Joanne P. Meder, AICP

David J. Portman, FAICP

MEMORANDUM

To: Michael Klein – Town Attorney

Date: July 14, 2009

Subject: **Patrick Farms DEIS Review – Draft Final Comments for Review:**

Site Plan Comments:

It is acknowledged that the proposed layout is a conceptual plan for a zone change and is not intended for site plan review. It will be subject to full subdivision and site plan review by the planning board at which time alternative layouts should be provided.

The site plan calculates deductions on a lot by lot basis instead of on an overall basis. This makes it more difficult to judge the true density of development and impacts of development.

- There is no overall calculation of deductions. The applicant should define deductions on a site wide basis and by zoning district acreage including:
 - Wetlands and wetland buffers
 - Water bodies – streams, ponds, lakes, and required buffers
 - Steep slopes
 - Floodplains and floodplain buffers
 - Overhead Utility Rights of Way
 - Underground Utility Rights of Way and development restrictions
 - Total Acreage of land parcels
 - Total Acreage of developable land by zoning category

Under the requirements to identify deductions, the original 206 acres figure will be reduced, thus increasing the overall density of development. The goal is to calculate the usable acreage overall as the standard to measure the impacts of the rezoning.

The calculation of the developable land area should be based upon the requirements of Section 376 – 42 - Special Bulk Requirements.

A. As part of any minimum lot area requirement of this chapter for all uses, not more than fifty percent of any land underwater, subject to or within the one-

hundred-year-frequency floodplain, wetlands, within easements or rights-of-way for overhead utilities, with slopes (unexcavated) of over twenty-five percent or within a designated street line of any road shall be counted towards meeting the minimum lot area. In addition, at least fifty percent of the minimum lot area requirement shall consist of land without the above-listed impediments. *The application of this section to any particular lot shall be the responsibility of the Town Planning Board at the time of subdivision or site development plan approval. The significance of this is that the density proposed must be measured against the net land total to determine actual density.*

It is noted that the area west of Route 202 is used to add to the land area for the density calculation even though it is not contiguous to the property on the east side of Route 202. In addition, the entire Pond area is included within the multi-family zone to add additional land area for the calculation of the overall density of the multifamily zone.

Discussions with LJA personnel indicated that the deductions were completed on a lot by lot basis and most of the deductions were found on the site plans for the alternatives. Deductions serve two purposes. First, the deductions are used to calculate the useable area of the entire parcel which is then used to determine an appropriate number of units based upon the zoning or proposed zoning. Since the proposal seeks to create several "new" zones, the overall deduction calculation may have to be recalculated for the individual zones. However, since the property is currently wholly contained within two residential districts, the developable area should be based upon the usable area left after deductions. This provides the basis to assess the environmental impacts of the change to the new zone(s).

The full size drawings do not show the required bulk table for the proposal.

The following comments are offered:

General

1. Why not cluster to preserve some open space on the single family homes? The Comprehensive Plan recommended clustering for this parcel)
2. A single map of all deductions should be prepared.
3. Cut and fill figure 3.1-7 shows that most of the site is cut or fill. It is noted that a golf course proposal was turned down for this site, and that the DEIS notes the sensitive nature of the site with streams, ponds and wetlands. With that background, it would appear that the design for the site should follow the contours – stepping up or down as appropriate instead of such substantial grading. There is little need to clear and grade as much land as is proposed. This is a major impact that could be avoided. Clear cutting of the multifamily zone is what results and the impacts are thus severe instead of mitigable. Please demonstrate why designs with less cut and fill could not be utilized.

4. There is no tree survey to demonstrate the impacts to the existing forested areas as required by the Town's subdivision and site plan regulations. The document identifies the types of vegetation by area, but it would not be possible to determine the impacts of the proposal by the number of mature trees to be removed or preserved. This is a standard measure of impact for new development proposals and the applicant should provide this.

Site Plan Comments:

- * No clear deductions for ponds and streams
- * Too many lots do not appear to meet requirements
- * Private roads are not acceptable
- * Long lines of parking in front of residences are not acceptable in rural setting
- * Straight roads are too repetitive and restrictive, lacking in design opportunities and limiting design alternatives. Roads should mimic the landscape.
- * Too many cul-de-sacs are requested; they do not meet Town cul-de-sac regulations.
- Multifamily units do not meet fire code requirements for maximum hose length.
- Perpendicular parking on both sides of a street presents traffic hazards and focus on cars instead of the homes as the key element.

Land Use Comments:

The applicant indicates that the proposed use fits into the character of the neighborhood, but does not provide backup information to support this contention

Infrastructure:

1. Water – the applicant should show the Rockland County Department of Health water status. Does the website show sufficient water for this development in its allowable capacity?
2. Sewer – show map of required improvements for Pump Stations and force mains

Visual:

1. There are visual impacts associated with the design as proposed. The private roads and buildings are aligned with long double sided perpendicular parking spaces. This is imposing a suburban garden apartment style design on an environmentally sensitive single family neighborhood. That design is old and tired and should not be used for a new development. Applicant should consider alternate layouts. The visuals shown depict large trees surrounding the multifamily units, while the text indicates that the multi-family area will be clear cut with no trees remaining.
2. Clearing much of the center of the site opens new view sheds across the site from the east to west. These new view sheds are not aptly depicted.

3. Blasting as noted on top of high points should be avoided as should any destruction of the ridgeline. The ridgeline should be treated sensitively and avoided where possible.
4. The visual impacts have not been adequately assessed in terms of the Scenic Roads District restrictions as required, and it is not likely that approvals for the intensity of impacts to these areas would be approved without modifications and mitigations. Mitigation has been proposed by doubling the setbacks along Route 202. The 1000 foot review limit however was not evaluated as the setbacks are the primary tool available. Existing stone walls and fences will be preserved where feasible.
5. The photographs shown of the site from the Scenic Overlooks in Palisades Park do not show the impact of removing 60 acres of trees. The image renderings of the views did not appear to show the large cleared areas that will result from the project. The post development imagery requires a more realistic view determination. Some work was completed from the Scenic Overlooks, but no visual impacts were identified. Once the multifamily buildings are constructed and that portion of the site is cleared, it is virtually impossible not to notice a clearing of 60 acres as proposed.
6. There is no clear overall aerial photograph of the site within the document to assist in determining visual and other impacts.
7. Internal visuals not provided nor assessed; Large and long parking lots with residences behind are not in keeping with the character of the area. Character of the area will be a significant impact both in terms of density and visual impacts. Again no trees will remain in the multifamily zoning area if the project is approved as proposed. The concept of sheltering the multifamily units in the center will not work if all of the trees have been removed.
8. Cross Sections don't seem to show the view planes properly; there is too little vertical differentiation.
9. It is acknowledged that alternative designs were not part of the scope, but the sensitive nature of the site calls for discussion of alternative designs with lower impacts at the time of Planning Board Review. The visual impacts could be significantly reduced if the multifamily zone was not clear cut. Keeping trees around the buildings mitigate impacts to the views. The trees are generally 60 feet tall which would permit taller buildings that would significantly increase open space resources while minimizing the need to clear. Taller buildings would be especially useful where there are no garages as parking could also be clustered.

Site Circulation:

The comprehensive plan addressed key circulation issues facing the Town of Ramapo including the unnecessary endings of streets with and without cul-de-sacs. Road connections should be completed and cul-de-sacs should be proposed only where no other solution was available. This plan has five cul-de-sacs, four of which, (if not five)

are not necessary. The rationale for this policy recommendation is that Police and Emergency response teams need to respond in a timely manner, and to provide secondary means of access that cul-de-sacs do not offer. In addition, the subdivision regulations and site plan regulations limit cul-de-sacs to a length of 500 feet in R-40 zones. The cul-de-sacs proposed are generally 1200 feet in length. Hence the cul-de-sacs should be eliminated or reduced to the minimum required.

Drainage:

The drainage system has been designed in accordance with standard engineering practices. What is missing is a less structural design which would seek to provide a series of water amenities which reflect the sensitive nature of this site. These amenities could be fed with non-structural systems such as rain gardens and underground storage tanks to provide waters for other uses. The basins as proposed do not provide an amenity to enhance the site. They have been designed as a standard add-on which provides a facility for detention instead of designing the detention into the site in a series of visually appealing amenities. It is not that the design is not correct, but that detention could be used as a design feature to supplement the visual environment instead of simply providing an engineered basin for detention. This site offers the capacity for more sensitive treatment of stormwaters which would contribute to the more sensitive design of the overall proposal. Although noted later, there is an opportunity to recoup the energy of the streams to offset the energy consumption of the development. There is an opportunity to enhance the sustainability of the development.

Scenic Roads Local Law: The Scenic Roads district boundary should be shown on all site plans to identify impacts and to guide the site plan. It is estimated that 60-70% of the site is subject to the provisions of the scenic roads ordinance, yet there is little more than mention of it in the text. Full compliance with the provisions could impact 70% of the site. As mentioned earlier, the response to the Scenic Roads provision was limited to doubling of the setback requirements along Route 202, but without any additional internal impacts.

The full size drawings should depict the Scenic Roads Local Law boundary. The key map does not depict the Scenic Roads Local Law boundary.

Housing Diversity: In terms of diversity of housing, providing the isolated site for affordable housing is not the preferred way to provide affordable components. Providing the affordable units within a mix of townhouse units including 1, 2, 3 and 4 bedroom communities would be the most effective way to contribute to housing diversity. Inclusion of affordable housing alternatives within the primary development area is the preferred method.

Sustainability: The scope of work requires an assessment of the sustainability of the proposed development. The work required for this part should include the descriptions of the efforts made to reduce the energy demands of the proposed development. The descriptions given were minimal references which need to be expanded significantly.

For example, the first way to reduce the energy footprint of the development is to minimize the size of the individual structures. All of the structures in the proposal would be considered large with the possible exception of the affordable units. Hence the energy consumption of the proposal would be significantly larger than expected. With a larger than expected energy footprint, mitigating efforts would be required to provide a more balanced development. No mitigating efforts were mentioned. According to the DEIS, the smallest townhouse is 3,348 square feet while the largest is 3525 square feet. These are considerably above the standard 2000 square foot four bedroom home or townhouse. Either the size of these units should be reduced, or effective mitigation for the additional energy costs should be considered. Revisions to the DEIS indicate a reduction in the size of most units to approximately 3000 square feet for the market rate townhouses to approximately 1800 square feet for the "affordable" units

No wind power, solar power or hydro generation efforts have been proposed or contemplated. No solar hot water heating was addressed; no geothermal alternatives were addressed. These are items that SEQR has required in the revised SEQR draft regulations.

The Town has set the tone for these efforts within its own buildings including solar electric for the Town Hall and geothermal heating and cooling of the new public works building. The new SEQR standards proposed (but not yet adopted) include detailed sustainability reviews that this proposal would not meet.

Design Sensitivity:

The design of the project should reflect the sensitive nature of the land of Patrick Farms capitalizing on the sites natural assets and overcoming its liabilities. The assets of this site to focus the design on are:

- Water features including ponds, streams and wetlands
- Slope changes and elevation changes and ridgelines
- Significant forested areas
- Natural vistas
- Archaeological assets

The liabilities that must be overcome are:

- High pressure gas main
- Overhead utility lines
- Slopes in excess of 25%

The way to create a sensitive design is fairly straightforward. Respect the land and have the development reflect the land following Ian McHarg's "Design with Nature" concepts. These concepts are similar to a medical doctor's mandate, first – do no harm!

A "sensitive design" would:

- Save as many trees as possible to minimize changes to the ecology of the site
- Build "with" slopes – not against them
- Have roads follow contours instead of crossing them
- Minimize cut and fill to the maximum possible
- Incorporate a design featuring water features
- Design for maximum solar implementation (passive and active)
- Minimizing any slope changes
- Avoiding all areas of 25% slope or more
- Minimizing impacts to 15-25% slopes
- Utilize natural drainage to the maximum extent – feature water amenities throughout instead of creating detention facilities near low lying areas
- Use non structural drainage solutions to minimize the need for extensive piping and drainage systems.
- Design to place wetlands and other natural resources under common homeowner association control
- Incorporate accepted design practices to provide design closure of curved and looped streets for both aesthetics and safety. Curved streets automatically calm traffic and looped streets provide two means of ingress and egress for emergency vehicles.
- Provide maximum design articulation of buildings avoiding flat or sides without architectural treatments.
- Building entrances can be varied to include side entrances for end units which lead to more imaginative presentations.
- Vary the designs of facades for interesting architecture
- Provide a multitude of building options to avoid overly repetitive building elevations
- "Fit" the design of the buildings to the site taking advantage of the opportunities that changes in slope offer. Step down hill buildings down the slopes with exposed basement entrances at the lower levels. Step buildings up the slopes providing garages on the ground level and raising the main floors to mimic the upslope.
- Reflect the needs of the local climate in the building designs keeping automobiles out of sight and in garages for cold weather access.
- Provide short driveways instead of parking lot implementations to facilitate effective design and non-structural stormwater solutions.
- Avoid large paved areas; break up expanses of pavement into manageable areas. Where parking areas are required, try not to put them in front of the residences.

The design appropriateness for Patrick Farms should be measured against these design standards and practices to provide a design that fits the site and reflects the site's beauty and natural environment.

Growth Inducing Aspects: Pump station increased capacity and force main replacements provide additional growth capacity that was not quantified sufficiently.

Miscellaneous Comments

Page 3.4-8 The Comprehensive Plan recommends clustering wherever possible to provide the maximum amount of usable open space. How does this plan respond to the comprehensive plan recommendation? How will open space be maximized by this approach? For a development of this size, little is offered in terms of useable open space. A separate open space plan should be designed linking community facilities with the open space network. For a development of 200 acres, open spaces other than water bodies or wetlands are scarce.

Page 3.4-9 States: "The design concept applies the principles of new urbanism in providing a greater core density and lower density in the periphery. The project's proposed layout is not a clustered design per se but is designed to provide a balance between accommodating additional population growth and preserving the site's existing natural resources, specifically on site wetland and the underlying Ramapo River Aquifer." The question is how this responds to the comprehensive plan recommendations? Cluster and density provisions are defined in the Comprehensive Plan. This proposal does not provide a design based upon the new urbanism philosophy and it is misleading to state so. As a minimum, the comments should be couched with the comment that these are "in the opinion of the applicant rather than a determination of fact. The development provides only two densities, multifamily homes and single family homes.

The DEIS indicates that development would be located in close proximity to local community shopping – It is noted that there is no shopping within reasonable walking distance which will necessitate using automobiles. This impacts sustainability as well.

The DEIS discusses a "concentric design": In vague terms a concentric design can be envisioned. However, there is no commercial development in the center – as concentric rings and theory would support; there is no significance to the concentric design in terms of circulation, sustainability and mitigation of impacts. A more salient concentric design would be to have all of the multi-family homes surround the pond and then be surrounded by the single family homes. This however, has not been proposed or evaluated.

DEIS states that the design and scale of the proposed action are expected to be compatible with respect to the existing buildings, streets and amenities, and the project's surrounding area. This statement requires further support and explanation as this is certainly not compatible with neighborhoods of single family only homes.

The DEIS suggests “**balance**” in terms of type and affordability. There are questions regarding definition of balance: The original 61.3 acres which is now slated for the zone change to MR-8 would have at best provided 61 homes (without roads and deductions) for theoretical comparison. The new zoning would create 61*8 or 488 units – an increase of 427 units. If the applicant seeks to gain the additional number of units based upon the affordable units, then evidence needs to be provided demonstrating the reduced cost of the affordable units compared to the gain in the number of units. The numbers do not appear to be balanced at this point. More significantly, the affordability terms are not defined. As such it is not possible to comment accurately on the affordable units..

Where is the open space balance? What open space resources have actually been preserved except for a few small play areas? Developments of this size should have a comprehensive system of open spaces. The spaces provided are merely leftovers between buildings and not “usable” open space. Effective open spaces provide paths, (other than roads) to link different areas, lead to scenic vistas, and recreation areas as well as vegetated areas to buffer residential developments.

A development of this size should contain community recreation facilities. None have been proposed. Amenities could include a club house, tennis courts, swimming pools, basketball courts, putting greens, and meeting rooms. Why are none offered?

The area west of Route 202 is zoned for 80,000 square foot lots and is better than 50% wetlands and wetlands buffer. By definition, it is not developable and should not be used to compute additional density east of Route 202.

Affordability

The term affordable is used, but is not defined as to how affordability was determined. Without the detailed descriptions of how affordable is calculated, there can be no effective analysis of the benefits or appropriateness of the affordable constructs. Please provide a detailed affordability analysis defining the following:

- Affordability definitions – target income limitations; pricing limitations; other eligibility requirements;
- Cost of construction of each unit type used to determine affordability and project benefits
- Consolidated view of overall projected costs of market rate, affordable units, and emergency service units to determine “economics” of proposal
- Full cost benefit analysis to guide review
- A market study should be provided to support all of the above

Evaluation of Alternatives:

The DEIS should provide the rationale for selecting the chosen alternative. The applicant should insure that the selected option has the least environmental impacts, or at least that the impacts have been mitigated to a sufficient degree.

The 25% reduction alternative has far less impacts. The connection to Route 306 would be required for all alternatives since any development of this size would require two means of ingress/egress. A one way in and out would not be an acceptable alternative as pruning the alternatives does not present a fair comparison.

The alternatives presented for the housing choices are in retrospect only one choice – townhouses with 3 or more bedrooms. The opportunity to present a wider choice of homes has been missed. The singular focus of this development denies other housing needs and goes against the concepts of sustainability which provides multiple housing alternatives for trade up and down as the needs dictate.

The evaluation of one type of house compared to another is only one small aspect of sustainability. The sustainability portion of the DEIS should discuss how to lower fixed and long term energy and overall costs and how this development would accomplish it. Sustainability measures could significantly lower impacts if for instance vehicular travel is reduced. Sustainability developments encourage people to walk through the use of:

- Centrally located commercial and office uses
- Centrally located recreational facilities
- Sidewalks
- Pedestrian Paths and Bicycle Paths
- Mass transit

None of these are proposed in this submission, nor are they discussed;

The energy consumption/sustainability factors are not listed including discussion of:

- Additional insulation and energy efficiency
- Smaller footprints and buildings
- Energy producing or reducing techniques (Solar/wind/hydro etc)
- Water re-use; Water saving devices; water heating efficiencies (solar or instant HW Systems)

Summary Comments:

The proposal and DEIS need to provide additional evidence and rationale needed to support the change from a one acre single family development of 136 homes on 206 acres to a project of 497 homes on the same 206 acres. The impacts to the existing character of the neighborhood appear significant and the benefits have not been sufficiently explained to warrant the additional environmental impacts from the projected development. No clear cost benefit analysis exists to support the project. The primary areas lacking are sustainability, mitigating environmental impacts and diversity of housing options (particularly in terms of the size of the unit since there are no studio, one bedroom, two bedroom or three bedroom units discussed). Every community should provide a mix of unit to provide move up and down opportunities as people age and their circumstances change. Singles, newlyweds, active adults, and seniors are not accommodated by the

housing options proposed for this development. If a development of this size does not address the need for the diversity of housing options other than large single family and large townhouses, then the appeal of this proposal is diminished.

Additionally, the conceptual design does not demonstrate the sensitivity to the natural environment. *Rather than a design with nature, the straight streets and on street parking focus the design on the automobile and the creation of an urban environment superimposed on this rural setting.* The lack of practical and usable open space and community facilities provided as well as the insensitive design of the multifamily units work against this project. Viewing the unnecessarily straight street design that features the public views of automobiles over a more sensitive design, only serves to accent the impacts rather than the benefits of the proposal. These are items that can and should be addressed in the DEIS.

This office offers these comments while reserving the right to make additional comments as the design proceeds.

Should you have any questions regarding these comments, please feel free to contact this office.

Kind regards,

John F. Lange
Senior Associate for Planning
Frederick P. Clark Associates, Inc.