



MEMORANDUM

TO: Community Design Review Committee Members, Town of Ramapo

FROM: Jonathan Lockman, AICP, Principal Environmental Planner
On Behalf of ROSA 4 Rockland, Inc.

SUBJECT: Millers Pond Planned Unit Development District Zoning Petition
Mount Ivy LLC and Lindifrim LP
Opportunity Area D, Northern Ramapo Development Plan

DATE: February 14, 2023

Thank you. We appreciate the opportunity to provide input to the CDRC on the process of reviewing the above-captioned application. We have reviewed the package prepared for the creation of the Millers Pond Planned Unit Development (MP-PUD) zoning district. This proposed new MP-PUD is proposed for the site known as Opportunity Area D, as found in the recent Northern Ramapo Development Plan (NRDP) and in the associated Generic Environmental Impact Statement (GEIS). We note that rather than provide a new DEIS for this law which will enable a large mixed-use project with 637 residential units and 103,000 sf of commercial space, the applicants have submitted a large Part III EAF document.

Lack of Specific Area and Bulk Requirements. In our comments on the proposed PUD local law that we submitted to the Town Board in March of 2022, we noted that Section 5, §376-24, subpart A.4, entitled “Area and Bulk Requirements,” stated: “Each application for a PUD will propose specific area and bulk requirements appropriate for that proposed development, to be reviewed by the Town Board. A key intent of the PUD is to allow flexibility to encourage more creative residential, commercial or mixed-use development. The specific area and bulk requirements shall be determined by the Town Board.” At that time we stated our position that this section is overly broad, and gives too much discretion to the Town Board. We still believe that a specific list of area and bulk requirements should be developed and included in this proposed MP-PUD District so that the public can know what uses can be proposed, and dimensional standards will be applied PUD is implemented.

Recommended SEQRA Process. ROSA recommends that the CDRC, in its support of the Town Board as Lead Agency, prepare a positive declaration of significance for the combined actions of the proposed rezoning local law, the site plan and a supporting subdivision for Town Board passage. With a positive declaration, the applicant will be required to organize the Part III materials submitted, along with additional information, into a separate, site specific DEIS for Millers Pond.

We do not believe that the Board can rely upon the GEIS for the NRDP, supplemented solely by the current Part III submission, as adequate for fulfilling SEQRA duties. We offer the following reasons to justify this recommendation.

1. The Part III submittals are poorly organized. We believe that for the lead agency to properly review the project, and to facilitate the public's rights to learn about project impacts and to provide input, a DEIS should be prepared. The decision to require a DEIS will trigger the development of a scoping outline to guide the necessity and organization of remaining material, and will provide a framework for agency and public review. We would urge that the CDRC recommend to the Town Board that a positive declaration be made quickly, so that a public scoping session can be scheduled. The applicant should not have to bear the expense of fleshing out detailed submissions in advance of a public scoping session.
2. Alternatives to the Millers Pond project were never considered in the NRDP process during the analysis of environmental impacts. The SEQRA EIS process would require the applicant to propose and analyze alternatives that the public can consider. Alternatives are missing from the current Part III submission.
3. The NRDP and its GEIS are not specific enough to cover this project, so more than an FEAF Part III submission is required. This is particularly important regarding the soil and groundwater conditions and underlying geology of the site.
 - a. In section 6.1.1.K of the Findings Statement for the SEQRA review of the NRDP (the Findings), it states that "a supplemental geotechnical engineering study should be performed at the site during the design phase, after final grading plans and structural loading estimates are completed.
 - b. Furthermore in section 6.1.1.L, the Findings state that "the selection of the final foundation system will depend on the results of a supplemental geotechnical investigation, the configuration of the proposed structures, finished floor grades, and final site grades."
 - c. In section 6.1.1.M, the Findings state that "according to the geotechnical investigation, due to the geologic conditions of the project site, it is assumed that groundwater is likely to be present along the soil-to-rock interface..."
 - d. In section 6.1.1.P, the findings list seven best management practices to be implemented at opportunity area D, including the supplemental geotechnical study, shallow spread foundations, waterproofing of cellar walls and floor slabs, and balancing of cut and fill.

The SEQRA process for the NRDP clearly found that this additional geotechnical work would be needed in a site specific SEQRA review for this Millers Pond project in Opportunity Area D. We see no geotechnical analyses in the Part III submittal to the CDRC.

One alternative the applicant should consider is eliminating basements from project plans, given the geotechnical challenges at the site. This alternative would also minimize the extent of required excavating and earthmoving in high ground water areas. This is particularly important because of the presence of the public water well lot in the very immediate vicinity. Calculations of the displacement of earth within the groundwater areas of the site should be requested. A reduction in cut also results in a reduction in need to fill, both of which activities can have major impacts on site water resources.

4. Another clear indication that the NRDP SEQRA GEIS process is not specific enough to be relied upon, and cannot substitute for a new, separate, site-specific EIS for Millers Pond, is that the density and intensity of the project were not set at the time of NRDP. In the FGEIS, in section 2.4, it is clearly stated that the density and intensity of development in Opportunity Area D would "be determined by the Town Board as part of the development application review process" in the future.
5. Subsections 6.1.1.L, M, N, and Q of the Findings indicate the presence of NYSDEC and USACOE wetlands and streams within Opportunity Area D. Impacts to these resources should be addressed in the site-specific EIS for Millers Pond during the consideration of the intensity of development. The sufficiency of

NYSDEC jurisdictional buffers based on the significance of the development on wetland health should be studied and the two agencies should be requested to comment on the impact of the development on the wetlands.

6. In the Part III submittals to CDRC, while there are some visual renderings. we do not see any materials included to address visual impacts. In the Findings section 6.3.G, it is noted that, for specific projects, “vegetative cutting shall be limited to maintain it as a screen for structures viewable from the road, parks, and other public views in Scenic Road Districts. Any impacts to scenic roads related to future development activities will have to address mitigation measures **on an individual project basis**. Development should occur in a manner respectful of scenic resources and should include buffering and screening to reduce visual impacts. Existing vegetation should be maintained to the greatest extent possible which should be examined at the time of site plan review. It is noted that with respect to future development of Opportunity Area D, the property owner has provided in Appendix F to the FGEIS, its on-site studies relating to potential views from the PIP relative to Opportunity Area D.” The new EIS should expand upon and incorporate these prior studies with an updated analysis of visual impacts on this specific version of the Millers Pond project.
7. In the Findings, section 6.2.1 states that pedestrian facilities and active recreation facilities are envisioned for Area D. These functions should be further designed and explored in the new EIS.
8. In the submittals to the CDRC, we do not see any non-residential/commercial uses specified for the Millers Pond project, so that their impacts could be analyzed in a hard look by the Lead Agency. The mixed-use concept needs to be initially fleshed out simply by indicating which nonresidential uses will be “in the mix.” For instance, space for schools and places of worship should be planned for in a residential project of this size. What types of commercial tenants are envisioned? Food and/or drug stores? All of these functions should be further designed and all impacts explored in the EIS.
9. In section 9.0 of the SEQRA Findings on the NRDP, the document states that “subsequent land development actions carried out in conformance with the adopted NRDP/GEIS, FGEIS and this Findings Statement may require more limited SEQRA review, per NYCRR Part 617.10. We urge the CDRC to recommend that the Lead Agency make a positive declaration and require a new site specific DEIS for the Millers Pond project at this time. Much of the information is already provided in the NRDP EIS and in the part III information already submitted. This information simply needs to be package in a coherent DEIS document that can be read and analyzed by the public, so that the project and possible alternatives can be discussed with stakeholders in an efficient manner.
10. While the NRDP recognized a general need for more housing in support of considering increased density on the site, there is no housing study included in the Part III submittal, to guide the proposed mix of housing. This is particularly important here as the placement of the apartment building will be seen from the neighboring roads, and it is the most out of character with the surrounding neighborhood.
11. The NRDP recognized that large development may impact neighbors’ enjoyment of dark skies and the public will want to see a section addressing the impact and planned mitigation.

Thank you again for considering our input to the CDRC review of Millers Pond, and we hope you will endorse our recommendations regarding the upcoming SEQRA process.