

**FINAL ENVIRONMENTAL IMPACT STATEMENT  
FOR THE DEVELOPMENT OF THE  
VALLEY RISE RESIDENTIAL SUBDIVISION**

**ROCKLAND LAKE ROAD  
TOWN OF CLARKSTOWN – ROCKLAND COUNTY, NEW YORK  
Lot 20, Block 1, Section 52.20 and Lot 29.4, Block 1, Section 52.20  
ON THE TOWN OF CLARKSTOWN TAX MAP**

Lead Agency  
Town of Clarkstown Planning Board  
10 Maple Avenue, New City, NY 10956

To view this file online go to:  
[http://www.town.clarkstown.ny.us/html/planning\\_board\\_index.asp](http://www.town.clarkstown.ny.us/html/planning_board_index.asp)

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**DRAFT ENVIRONMENTAL IMPACT STATEMENT (INCORPORATED BY REFERENCE  
HEREIN)**

Last Revised: May 27, 2005

Submitted: June 6, 2005

Lead Agency Acceptance: June 22, 2005

Comments Received by Lead Agency by October 24, 2005

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B.	Copies of Correspondence related to the preparation of the DEIS United Water - 10/6/99, 11/16 St. Thomas Mar Thoma Church - 12/2/99 Valley Cottage Fire District - 1/7/01 Town of Clarkstown Building Inspector - 1/9/01 A, S & Z, P.C. to Valley Cottage Fire District - 5/25/01 A, S & Z, P.C. to NYS Office of Parks, Recreation & Historic Prsv. - 5/25/01 A, S & Z, P.C. to Town of Clarkstown Open Space Committee - 5/25/01 A, S & Z, P.C. to Town of Clarkstown Parks & Recreation Comm. - 5/25/0 A, S & Z, P.C. to United Water New York - 5/25/01 A, S & Z, P.C. to Town of Clarkstown Police Department - 5/25/01 A, S & Z, P.C. to US Army Corps of Engineers - 5/25/01 A, S & Z, P.C. to NYS Department of Environmental Conservation - 5/25/0 A, S & Z, P.C. to Orange & Rockland Utilities, Inc. - 5/25/01 A, S & Z, P.C. to Palisades Interstate Park Commission - 5/25/01 A, S & Z, P.C. to County of Rockland Drainage Agency - 5/25/01 Town of Clarkstown Police Department - 7/13/01 Department of the Army Corps of Engineers - 7/17/01 Town of Clarkstown Planning Board - 7/27/01 Town of Clarkstown Parks Board and Recreation Commission - 7/26/01 NYS Office of Parks, Recreation and Historic Preservation - 8/3/01 County of Rockland Drainage Agency - 8/7/01	

New York State Department of Environmental Conservation - 8/10/01  
 A, S & Z, P.C. to NYSDEC - Department of Regulatory Affairs - 5/5/01  
 Town of Clarkstown Department of Environmental Control - 1/22/03

- C. Technical Studies and Correspondence:  
 Fairway Testing Soil Report  
 Memo from Town of Clarkstown Planning Board - 6/9/00  
 Drainage and Hydrological Study, Kozma Associates - 3/27/02  
 A, S & Z, P.C. to New York Natural Heritage  
 New York State Department of Environmental Conservation - 4/9/02  
 Flora and Fauna Report prepared by EcolSciences.  
 Stormwater Management Report for Valley Rise Realty Subdivision, Dated March 23, 2004. Prepare by Joseph Gottlieb, P.E. , P.C. for the applicant.
- D. Large Scale Maps Submitted with this document:  
 Area Map for Valley Rise, 1 inch =300 feet.  
 Proposed Subdivision Plan, 6 sheets as follows:
1. Standard Layout Subdivision Plat, dated April 4, 2002
  2. Standard Layout Subdivision Plat, dated April 4, 2002
  3. Standard Layout Grading Plan, dated April 4, 2002
  4. Standard Layout Grading Plan, dated April 4, 2002
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## **Section 8-0 – Introduction**

### **NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

Article 8 of New York State Environmental Conservation Law known as SEQRA, the implementing regulation 6 NYCRR Part 617 and related case law establish a process through which potentially significant actions undergo a comprehensive environmental review. Through a process of disclosure, full consideration of environmental issues is incorporated into the review and decision making process at the local and state levels. The process involves both agencies and the public in review and comment and requires mitigation of potentially adverse impacts to the extent that they can be mitigated that may result from the Proposed Action.

For this project, a DEIS was prepared and accepted by the Town of Clarkstown Planning Board, the lead agency, on June 22, 2005. A Public Hearing was held on September 7, 2005 and further adjourned for additional public comment and hearing on September 28, 2005. At the close of that hearing, the lead agency extended the time for comments to be received until October 24, 2005.

Upon the close of the comment period, the lead agency determined that a Final Environmental Impact Statement should be prepared and this Final Environmental Impact Statement includes responses to all substantive comments and concerns that were expressed in response to the previously submitted Draft Environmental Impact Statement which is incorporated by reference herein.

Comments and questions were submitted by both municipal officials and the public verbally at the Public Hearings. The minutes from the Public Hearings are enclosed together with the responses of the applicant thereto.

## **Section 8-1**

### **ORGANIZATION OF FEIS**

The FEIS is divided into three sections and since the DEIS is incorporated by reference herein the section number in this document are a continuum of those used in the DEIS, therefore, the first section of this FEIS is entitled Section 8 Introduction.

Section 8-3 contains a revised map to conform to new zoning regulations commented on in the DEIS. Since most of the comments had to do with drainage and water quality, Section 8-4 is a brief water quality and storm water management narrative. Since blasting was briefly discussed, Section 8-5 discusses the municipality's blasting code and requirement for adherence thereto. Section 8-6 contain the minutes and public hearing comments and Section 8-7 contains the applicant's responses to those comments.

**Section 8-2**

**CIRCULATION LIST OF INVOLVED  
AND INTERESTED AGENCIES**

Town of Clarkstown Town Board  
(Cluster approval, acceptance of public road, sewer and drainage dedications)  
10 Maple Avenue  
New City, NY 10956

Town of Clarkstown Highway Department  
(Road opening permit)  
10 Maple Avenue  
New City, NY 10956

Town of Clarkstown Planning Board  
(Lead agency for SEQR review, subdivision approval)  
10 Maple Avenue  
New City, NY 10956

Rockland County Planning Department  
(GML review)  
Robert Yeager Health Center, Building T  
Sanatorium Road  
Pomona, NY 10970

Rockland County Health Department  
(Sewer and water approval)  
Sanatorium Road  
Pomona, NY 10970

Rockland County Sewer District No. 1  
(Sewer review)  
4 Route 340  
Orangeburg, NY 10962

New York State Department of Environmental Conservation Division of Water  
(SPDES general construction permit)  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233

Roberta Zampolin, Superintendent  
(School impacts)  
Nyack Public Schools  
Administrative Building  
13A Dickinson Avenue  
Nyack, NY 10960

Town of Clarkstown Building Department  
(Zoning review and building permits)  
10 Maple Avenue  
New City, NY 10956

Town of Clarkstown Environmental Control  
(Grading, drainage, sanitary sewers)  
10 Maple Avenue  
New City, NY 10956

Town of Clarkstown Town Attorney's Office  
10 Maple Avenue  
New City, NY 10956

Town of Clarkstown Fire Inspector  
10 Maple Avenue  
New City, NY 10956

United Water New York  
(Water service)  
360 West Nyack Road  
West Nyack, NY 10994

Valley Cottage Library  
110 Route 303  
Valley Cottage, NY 10989

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District Administrative Office  
Lake Road  
Valley Cottage, NY 10989

Robert Geneslaw Company  
2 Executive Boulevard, Suite 401  
Suffern, NY 10901

## **Section 8-3**

# **REVISED MAP TO CONFORM TO NEW ZONING REQUIREMENTS**

## 8.4 Water Quality and Stormwater Management

Both of the subdivision plans submitted, the Standard Layout, and the Average Density Plan contain drainage improvements, with stormwater management components.

On site stormwater management provisions will be utilized for the zero rate of runoff increase from the proposed storm water discharge into the existing drainage system along Rockland Lake Road. All stormwater management structures are designed to meet relevant concerns of the Town of Clarkstown. In addition, the design conforms to the requirements of the State of New York State Pollutant Discharge Elimination System for compliance of stormwater discharges from construction sites.

The Applicant has represented that the following changes will help mitigate concerns voiced during the Public Hearings and during construction and that additional structures may be required. Additional measures that include interception swales and yard drains will be incorporated along the projects western boundary to reduce surface flows on to tax lots 52.20-1-28, 52.20-1-27 and 52.20-1-29.3. Along tax lot 52.20-2-14, the drainage pipe will have a small under drain parallel to the storm main to intercept ground water.

During the course of preliminary and final subdivision review, the Planning Board will request the Town's Department of Environmental Control review the specific designs in detail. In addition, that Department has indicated they will require specific design provisions and analytical methods be utilized in the design of the proposed drainage improvements. In this manner, the Board and the public will be assured that the proposed improvements will in fact provide for the adequate mitigation of potential stormwater impacts.

Between the proposed property line of lots 13 and 14 of the Standard layout the drainage easement and pipe shall be extended to the conservation easement.

## 8.5 BLASTING

While the great majority of public comment on the DEIS dealt with drainage, there were several references to concerns about blasting.

Areas within the site that would require deep cuts are concern for possible rock encounters during road improvements or drainage installation.

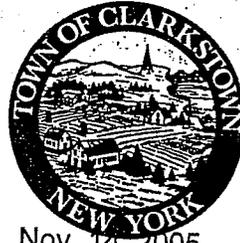
The cul-de-sac off the extension of Bellville Road and the connecting drainage from the south are suspect for encountering rock. Another area would be the rear yards of proposed lots 13 and 14 on the Standard Layout. Either one of the areas for concern lies in the center of the project and a minimum of 250' to the nearest existing structure. Both areas are narrow trench requirements that would be feasible to use a hydraulic hammer. The time required to meet the Town Code would not be economically practical or intelligent. While the applicant has indicated that it will blast only as a last resort, there is in the Code of the Town of Clarkstown which sets hours of operation, pressure, noise levels, ground blast and air blast standards together with stringent record keeping and monitoring requirements.

**Section 8-6**

**MINUTES AND PUBLIC HEARING COMMENTS**

TOWN OF CLARKSTOWN  
Department of Planning

JOSE C. SIMOES, Town Planner NOV 16 2005  
ROBERT GENESLAW, Planning Consultant  
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Nov. 14, 2005

*File*  
TOWN OF CLARKSTOWN  
Planning Board

SHIRLEY J. THORMANN, Chairwoman  
RUDOLPH J. YACYSHYN, Vice Chairman  
GILBERT J. HEIM, Member  
MARVIN S. BAUM, Member  
GEORGE A. HOEHMANN, Member  
RICHARD C. SHOBERG, Member  
ROBERT D. JACKSON, Member

- ✓ Owner and/or ~~Attorney~~
- ✓ Engineer
- ✓ Town Attorney
- ✓ Town Clerk
- ✓ Building Dept.
- ✓ Environmental Control
- ✓ Traffic & Traffic Fire Safety
- ✓ Supervisor

- ✓ R.C. Dept. of Planning
- ✓ R.C. Dept. of Highways
- ✓ Orange & Rockland Utilities
- ✓ Architecture & Landscape Commission
- ✓ Highway Dept.
- ✓ N.Y.S.D.O.T.
- ✓ Zoning Board of Appeals
- ✓ Town Board

✓ RC Sewer

Attached are the minutes of the Planning Board Meeting of September 28, 2005

**DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS): CONTINUATION OF PUBLIC HEARING UNDER THE PROVISIONS OF S.E.Q.R.A. & @ PRELIMINARY: VALLEY RISE SUBDIVISION LAYOUT 52.20-1-20 & 52.20-1-29.4, VALLEY COTTAGE** (Proposed subdivision of two existing tax lots into a total of 14 residential lots for single-family homes on 15.19 acres R-22, R-40 and R-160 zoned land, south side of Rockland Lake Road).

Chairwoman Thormann recognized Messrs. Donald Tracy, attorney for applicant, and Andy Atzl, surveyor for applicant, respectively, then read background information (see file).

Chairwoman read Building Inspector Maneri's recommendations into the record (see file, dated 9/20/05) which stated: 1) Label plat as preliminary. 2) Add signature block for RCDA. 3) Add line on bulk table for F.A.R. 4) Show building envelopes. 5) Lots conform to zoning. DEC: Deputy Director of Environmental Control Letson advised review is continuing; anticipate finalizing comments in possibly a week; purpose of tonight's hearing is to solicit public input. Planning Consultant Geneslaw stated his comments are in agreement with Mr. Letson. Continuing, Chairwoman read the following into the record (See File).

Rockland County Sewer District, dated 7/19/05; Rockland County Planning, dated 9/22/05.

Member Hoehmann stated has walked the site numerous times; concerned about an old well on Lot 14; questioned if this has been looked at/evaluated/ etc. Mr. Atzl stated is not aware of it at this point, but will look into it and advise the Board. Continuing, Mr. Hoehmann also commented with all the drainage issues on the upper portion of the site, if anything has occurred since the last meeting with regard to the potential purchase of the property? Mr. Tracy advised nothing has happened since the last meeting as we are getting comments for our Final Environmental Impact Statement and to address mitigation. Mr. Hoehmann reiterated interest was expressed on the part of the Town to potentially purchase the upper portion to protect the view and to assist with the drainage; the applicant was at this meeting. Mr. Tracy advised he is aware of that potential, but at this moment, seems to be inertia; nobody has approached anybody; brief discussion ensued.

Continued

Chairwoman Thormann advised the applicant has met with some Town official and the Open Space Committee is discussing the possibility of a possible acquisition; of course it would have to be appraised and until the Open Space Committee makes its determination, nothing could go either way.

Discussion ensued on the map in the packets for the Planning Board; after discussion, it was determined the map in possession had a revised date of September 8, 2005 and all Board members had this map; it was the correct map.

Member Baum expressed his opinion is still concerned over drainage; at the last Planning Board meeting had questioned the drainage easement and the unusual 90 degree that comes off the mountain; brief discussion ensued. Deputy Director of Environmental Control Letson described some of the design elements that will be done in achieving the best drainage system; further stated the types of systems designs today are more stringent than those systems in the past.

Attorney Tracy advised the purpose of tonight's meeting is to solicit comment from the public regarding the DEIS.

Chairwoman Thormann announced call for the continuation of the Public Hearing: The following rose:

Michelle Solomon, 870 Belleville Drive, Valley Cottage: Stated is very concerned about the project; her concerns include flooding; disruption of hillside regarding erosion. Regarding the DEIS, expressed her opinion is confusing for a lay person to go through; reviewing the notes and minutes from the last meeting, erosion and flooding seem to be the major problems. Continuing, stated the proposed plan and mitigation plan is confusing; advised went out into the community personally and spoke to 150 people; most people did not know about it and most people do not want this development and had great concern; circulated a petition, and gathered 150 signatures, in opposition to the petition (submitted same to the Planning Board secretary, see file). Further expressed her opinion would like to see the Town Board purchase the property as part of the Open Space Acquisition.

Vice-Chairman Yacyshyn requested the Chair reiterate the purpose of tonight's meeting; not to debate whether or not the property should be developed, but to determine whether or not there are mitigating circumstances and other comment or pertinent information relating to the DEIS in its completeness; brief discussion ensued.

Ms. Solomon stated she is trying to get an understanding of the DEIS.

Carol Muratore, 878 Dolton Street: Advised has an existing water problem and complaints have been put into the Town; have requested that swales be put in; further stated has two swales on her property, one in the front and one in the back; part of the Town and they have not been maintained; discussion ensued. To date, has had twenty thousand dollars worth of drainage put into her property; does not want any more water problems.

Anton Pavelchek, 878 Stockton Road: Stated has the same concerns as his neighbors regarding drainage, water, etc.; further stated can build the best system in the world, but maintaining the system is the problem and who is going to be responsible for the maintenance of the swales? Brief discussion ensued.

Continued

George Nugent, a 40 year resident of Valley Cottage, and President of the Valley Cottage Civic Association: Stated it is their intention to see that the property rights of all property owners subject to this proposal are protected; foremost of which is the right to peacefully enjoy ones domicile; second to see that all appointed or elected officials work to ensure a level playing field; further stated it is their sincere hope that all the negatives aspects will be addressed by the applicant under the direction of the Planning Board: concerns included potential flooding, blasting, noise, dust, increased traffic, etc.

Continuing, Mr. Nugent also stated that during his perusal of the subject file, he noticed that the Town's consultant to the Planning Board was also listed as the compiler of the DEIS; expressed his opinion while this is not necessarily illegal, it appears most unethical as a \$10,000 fee was involved, payable by the applicant; requested the Chair enlighten (us) as to the propriety of this. Further requested the proposal be denied or amended to protect the ridge lines and allow the access from Lake Road.

For the record, Planning Consultant Geneslaw stated his firm did not compile the DEIS; his firm edited the DEIS, and was contracted to do same. Chairwoman Thormann stated the applicant produced the material and submitted a document; with all due respect to the applicant, it was not readable. Mr. Geneslaw's charge was to take that document and put it into readable English. Mr. Nugent continued to question the dollar amount that was paid.

For clarification, Deputy Director of Environmental Control Letson, reading from 617.9, which is "preparation and content of environmental impact statements", advised Mr. Nugent made a couple of incorrect statements. "The project sponsor or the Lead Agency, at the Project Sponsor's option will prepare the Draft EIS. A fee may be charged by the Lead Agency for preparation or review of the EIS, as per section 617.13". Continuing, for further clarification, Mr. Letson advised Geneslaw was not paid by the applicant; the applicant reimbursed the Town of Clarkstown for Mr. Geneslaw's services; Mr. Geneslaw's services were contracted by the Planning Board; not by the applicant. These are the factual, actual representations as set forth in the regulations.

Mr. Nugent stated this is what he wanted; an enlightenment facts; further expressed his opinion cannot see why the Board went through all this work to do the work of the applicant; brief discussion ensued.

Attorney Tracy inquired if he had to answer this question (poised by Mr. Nugent) in the FEIS; Mr. Letson advised, yes.

Ralph Cerbone, 869 Mulberry Road: Expressed concern over flooding; advised the road is sinking and to date nothing has been done; brief discussion ensued. Continuing, further suggested before this development is started, the existing problems be fixed.

Jackie Landman, 17 Elliotts Alley: Expressed concern over the flooding that is occurring on her block due to construction from above; at present, there are 3' trenches through the property that were not present three years ago. Mr. Letson advised the Town is extending drainage along Elliotts Alley; discussion ensued.

Donna Castellano, 856 Mulberry Road: Also expressed concern over the water problems; stated spent fourteen thousand dollars on French drains for her property.

Continued

VALLEY RISE, 137A11+, VALLEY COTTAGE  
SEPTEMBER 28, 2005  
PAGE 4

Mr. Nugent questioned the escrow payment made to the Town for the payment of bills; discussion ensued. Member Heim expressed his opinion that Mr. Nugent was out of line in his comments relating to the payment by the applicant to the consultant.

Mr. Letson advised; if the Board chooses to do so, the Public Hearing can be closed on the DEIS. The Planning Board can then establish an end to the public comment, by determining the number of days the public has to respond. Those comment(s) would be assembled and the applicant will be directed to respond in a FEIS. This document will again be reviewed to determine if all the comments were answered; this document would then be put out for public review.

Member Hoehmann reiterated his concern about the sheet run-off from the edge of the parcel; discussion ensued. Mr. Atzl advised will look into this issue. Mr. Hoehmann also reiterated his concern of looking into the dry well and to request the applicant to protect as many as trees as possible outside of the conservation easement.

Motion of Heim, Second of Yacyshyn, carried 7:0, with Ayes of Thormann, Yacyshyn, Heim, Baum, Hoehmann, Shoberg & Jackson to **CLOSE THE PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR VALLEY RISE SUBDIVISION LAYOUT 52.20-1-20 & 52.20-1-29.4, VALLEY COTTAGE. PUBLIC COMMENT WILL BE RECEIVED UNTIL THE CLOSE OF THE BUSINESS DAY ON MONDAY, OCTOBER 24, 2005, 5:00 P.M.**

*J. Schuler*

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Minutes of a Public Hearing  
of the  
Town of Clarkstown Planning Board  
held on  
September 7, 2005, - 9:30 P.M.  
at  
10 Maple Avenue  
New City, New York 10956-5099  
-----X

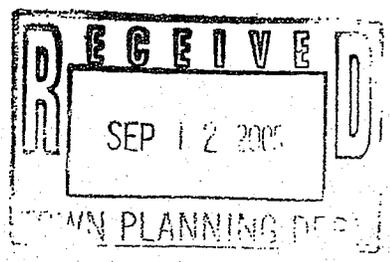
B E F O R E:

- SHIRLEY J. THORMANN, Chairwoman
- RUDOLPH J. YACYSHYN, Member (Not present)
- GILBERT J. HEIM, Member
- MARVIN S. BAUM, Member
- GEORGE A. HOEHMANN, Member
- RICHARD C. SHOBERG, Member
- ROBERT JACKSON, Member (Not present)

P R E S E N T:

- ROBERT GENESLAW, Planning Consultant
- DENNIS LETSON, Deputy Director of  
Environmental Control
- DANIEL KRAUSHAAR, ESQ. Deputy Town  
Attorney
- CHARLES MANERI, Building Plans Examiner
- JOSE C. SIMOES, Town Planner (Not present)

HOWARD BRESHIN REPORTING COMPANY  
8 Edsam Road  
Valley Cottage, New York 10989  
(914) 686-1652



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3 MS. THORMANN: Draft Environmental  
4 Impact Statement: Public hearing under  
5 the provisions of SEQRA and  
6 Preliminary: Valley Rise Subdivision  
7 layout 52.20-1-20, and 52.20-1-29.4,  
8 Valley Cottage, (Proposed subdivision  
9 of two existing tax lots into a total  
10 of 14 residential lots for  
11 single-family homes on 15.19 acres  
12 R-22, R-40 and R-160 zoned land, south  
13 side of Rockland Lake Road).

14 Would you gentleman please  
15 identify yourselves for the record.

16 MR. ZIGLER: David Zigler,  
17 engineer.

18 MR. SCHULSON: Sidney Schulson,  
19 developer.

20 MR. TRACY: Donald S. Tracy,  
21 attorney for the applicant.

22 MS. THORMANN: Building Inspector.

23 MR. MANERI: We have no comments.

24 MS. THORMANN: DEC.

25 MR. LETSON: We need to get public  
input on the document. We have no

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comment at this time.

MR. GENESLAW: I will let it go with Mr. Letson's comment.

MS. THORMANN: Rockland County Sewer District Number One does not object to the project as described. However, our previous correspondence dated 8/18/2000 still applies.

Rockland County Planning, could I ask a favor? Would you like to do some reading? Would you like to read it?

MR. HEIM: "July 25th, 2005.

Dear Clarkstown Planning Board:

As an ongoing interested party for the State Environmental Quality Review Act (SEQRA) process, our Department has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Valley Rise subdivision project.

This project is also subject to our review under the State of New York General Municipal Law (GML), as the site is within 500 feet of the Long Path.

1  
2 This letter contains our review of  
3 the DEIS for the proposed project under  
4 SEQRA only. Once the Town sends us a  
5 referral for subdivision review, we  
6 will forward our GML review to the Town  
7 as well."

8 MS. THORMANN: You want to put the  
9 mike near you?

10 MR. HEIM: It doesn't move.

11 MS. THORMANN: Can we have the one  
12 up there?

13 MR. HEIM: I will talk louder.

14 "The County Planning Department  
15 reviewed the proposed standard layout  
16 and average density alternative in the  
17 DEIS.

18 It is our understanding that the  
19 DEIS used a standard layout that does  
20 not conform to the Town code to  
21 evaluate the environmental impacts.

22 The County Planning Department  
23 believes that to properly evaluate  
24 environmental impacts, the design for  
25 the new construction should adhere to

1  
2 the zoning regulations of the  
3 municipality.

4 New construction should not  
5 require variances nor be given any  
6 reductions in order to be constructed.  
7 This should apply to all requirements  
8 for yards, floor area ratio, bulk  
9 standards, parking and buffers.

10 The subdivision evaluated in the  
11 DEIS will need a reduction in the  
12 required lot area for two lots and  
13 reduction in the required lot width for  
14 six lots.

15 Local conditions do not justify  
16 such a reduction, therefore we strongly  
17 believe that the DEIS should evaluate a  
18 design that can be accommodated by the  
19 site with no reductions.

20 Additionally, it is not clear in  
21 the DEIS if the lot areas provided for  
22 the standard layout are for the gross  
23 lot area or net lot area, after  
24 appropriate reductions have been taken  
25 for steep slopes, rights-of-way,

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designated streets, land under water and rock outcrops.

Further, the Town should not consider an average density alternative if the standard layout does not meet the Town Code, given that a true lot count is not being shown.

The DEIS should be reworked using a standard layout that conforms entirely to the Town of Clarkstown Code and bulk requirements. This may result in the loss of the total number of lots, but would also reduce the disturbance of the site, decrease impervious surface covering the site, and reduce the potential traffic impacts on the local road system.

The following comments pertain to the standard layout that does not meet the Town of Clarkstown Code and Bulk requirements.

EROSION CONTROL:

- 1. Prior to the start of construction or grading, a soil and

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erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

2. A short-term maintenance agreement between the applicant and the Town should include a yearly inspection of the stormwater management facilities and a report to the Town ensuring the safety of the facilities.

The Town should also ensure that the applicant has the financial ability to maintain these features throughout construction, prior to the dedication of these facilities to the Town of Clarkstown.

3. There shall be no net increase in run-off completion of the project.

SUBDIVISION DESIGN ISSUES:

1. Page 1-4 states that the lots within the development conform to the current zoning and bulk requirements with lot areas ranging from 22,500 to 172,386 square feet, when in fact the

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proposed lots range in size from 21,683 to 172,386 square feet.

This does not conform to the zoning and bulk requirements of the Town Code. The subdivision must be redesigned so that all lots comply with the required net lot area.

2. The executive summary states that the conservation easement will be dedicated to the Town of Clarkstown, although page 2-5 makes no mention of the dedication of the conservation easement to the Town. Will the conservation easement be dedicated to the Town or will the future owners of the parcels hold the conservation easement? This must be clarified.

3. It is difficult to evaluate the alternative of the average density design, given that the standard layout does not conform to current zoning and bulk requirements of the Town. Additionally, no information was given on lot areas, lot widths, and other

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such bulk requirements for the average density plan.

A new average density plan must be provided, if the Town is in agreement with the use of this tool, once the standard layout has been redesigned to conform to the Town's Code requirements.

NATURAL RESOURCE PROTECTION:

The existing vegetation helps to prevent soil erosion on the site's steep slopes, therefore it is important to maintain as much of the existing vegetation as possible throughout all phases of the project. Clearing limit lines and construction fencing shall be in place prior to any construction equipment being brought onto the site.

2. The impervious surfaces proposed for the site are of concern to the County Planning Department. The increased impervious surface and diminished natural vegetation on the site may lead to increased runoff on

1  
2 sites downhill and decreased recharge  
3 of the groundwater system.

4 The grading of the site will  
5 drastically impact the existing  
6 intermittent stream. Every effort must  
7 be made to retain as much natural  
8 vegetation and grading on the site as  
9 possible, and to limit, to the extent  
10 feasible, the amount of impervious  
11 surfaces.

12 3. In order to reduce the amount  
13 of impervious surface on the site and  
14 potentially increase the amount of  
15 water recharged into the ground water  
16 system, the applicant should consider  
17 the use of pervious pavers for  
18 driveways and sidewalk areas.  
19 Additionally, areas that could serve as  
20 drainage swales should be considered.

21 4. It is unclear whether trees to  
22 be maintained on the site will be  
23 protected with snow fencing around the  
24 trunk of the tree or 10 feet around the  
25 tree.

1  
2 The County Planning Department  
3 believes that the Town should require  
4 the protection of trees to be  
5 maintained to be fenced at the drip  
6 line as the minimum.

7 UTILITIES AND SERVICES:

8 1. Projects requiring water main  
9 extensions and all public water supply  
10 improvements shall be reviewed by the  
11 Rockland County Department of Health  
12 prior to construction. Plans must be  
13 signed and stamped by a New York State  
14 Professional Licensed Engineer and  
15 shall be accompanied by a completed New  
16 York State Department of Health Form  
17 348, which must be signed by the public  
18 water supplier.

19 2. Water is a scarce resource in  
20 Rockland County; thus proper planning  
21 and phasing of this project are  
22 critical to supplying the current and  
23 future residents of the Towns,  
24 Villages, and County with an adequate  
25 supply of water.

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3 Prior to approval of the proposed  
4 project, a letter from the public water  
5 supplier shall be issued, indicating  
6 that there will be a sufficient water  
7 supply during peak demand periods and  
8 in a drought situation.

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10 3. Public sewer mains requiring  
11 extensions within a right-of-way or an  
12 easement shall be reviewed and approved  
13 by the Rockland County Department of  
14 Health prior to construction.

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TRAFFIC AND TRANSPORTATION:

1. The proposed subdivisions may  
require sidewalks for safe pedestrian  
access through and within the proposed  
project.

2. If any of the fill shall be  
removed from the site, the proposed  
disposal site shall be listed in order  
to determine the full effect on the  
local road system. Additionally, the  
applicant shall abide by all  
regulations regarding the disposal of  
fill from construction projects.

1  
2 AIR QUALITY:

3 The DEIS does not state  
4 anticipated truck movements on the  
5 local road system over the  
6 pre-construction, construction, and  
7 post-construction phases of the  
8 project.

9 If a high number of truck trips  
10 are anticipated, the Town should  
11 consider requiring the applicant to use  
12 clean diesel fuel trucks and equipment  
13 with particulate traps to reduce the  
14 fine particulate matter in the air,  
15 which has been found to be associated  
16 with serious health problems such as  
17 asthma, heart attacks, chronic  
18 bronchitis, and premature death.

19 These types of vehicles are  
20 currently required to be used in New  
21 York City.

22 2. Use of construction equipment  
23 and trucks shall be limited or avoided  
24 on designated ozone action days.

25 3. No idling shall be applied to

1  
2 heavy construction equipment and trucks  
3 during all phases of the project.

4 4. The Town should consider  
5 requiring the applicant to spray trucks  
6 with water prior to leaving the site to  
7 reduce the amount of soil that may  
8 travel onto the local road system.

9 NOISE AND ODOR:

10 1. All construction activity  
11 shall adhere to the noise and odor  
12 requirements of the Town of Clarkstown  
13 Code.

14 AESTHETICS AND VIEW SHEDS:

15 1. The Town of Clarkstown  
16 Planning Board has the authority to  
17 require site or building modifications  
18 to protect viewsheds to and from  
19 locations of visual significance.

20 The County Planning Department  
21 believes that the Town of Clarkstown  
22 should require the applicant to use  
23 natural tones to blend into the  
24 environment and reduce the visual  
25 impact of the proposed development or

1  
2 restrict the placement of the proposed  
3 dwellings on the site.

4 AGENCY REVIEWS:

5  
6 1. The Rockland County Department  
7 of Health shall be included as an  
8 interested party for this project and  
9 should be given the opportunity to  
10 examine the site plans for proposed  
11 water and sewer extensions.

12 GENERAL COMMENTS:

13 1. There are two, I believe it's  
14 two minor typographical errors. This  
15 second paragraph, they spelled to T-O.  
16 There are two minor typographical  
17 errors. The second paragraph on page  
18 1-1 has an extra period, and the first  
19 paragraph on page 2-1, second sentence,  
20 the word "to" should be omitted.

21 2. There is no information in  
22 Appendix A and there is no Appendix C  
23 or D in the DEIS.

24 3. The County Planning Department  
25 believes that the Construction and  
Operation timeline is unreasonable and

1  
2 should be reconsidered with a more  
3 reasonable time frame.  
4

5 4. The County Planning Department  
6 believes that the DEIS should also  
7 consider the loss of recreation/open  
8 space area within the Town with the  
9 proposed subdivision and development of  
10 this site.

11 This should also be considered an  
12 irreversible and irretrievable  
13 commitment of natural and human  
14 resources in Section 3.6.

15 Thank you for the opportunity to  
16 review and comment on the DEIS for this  
17 project. If you require additional  
18 information please contact the Rockland  
19 County Department of Planning at 845  
20 364-3434. Salvatore Corallo,  
21 Commissioner of Planning.

22 MS. THORMANN: Thank you, member  
23 Heim.

24 MR. ZIGLER: I wanted to answer.  
25 The comment is correct that we have to  
remove the property lines between the

1  
2 time of the map and the time of now.  
3 The lot definition was changed, so  
4 there is some lots on there and we have  
5 to move the property line, so that  
6 comment is correct.

7 MR. TRACY: Madam Chairperson, you  
8 are looking at me like you want an  
9 answer.

10 MS. THORMANN: You looked shocked  
11 and I was looking at your shocked  
12 impression.

13 MR. TRACY: I am here to listen,  
14 that is what we are here for now. We  
15 have a DEIS. We heard what the County  
16 has to say. We would like to hear what  
17 the Planning Board has to say and we  
18 would like to hear what the public has  
19 to say, and then we can go on and  
20 prepare an FEIS.

21 MS. THORMANN: I would like to  
22 open to the public, so there is the  
23 microphone, please come up, give your  
24 name and address.

25 MS. LANDMAN: Date of birth,

1  
2 Social Security?

3 MS. THORMANN: Just your name and  
4 address, and we have to make sure you  
5 live in the neighborhood.

6 MS. LANDMAN: I do. My name is  
7 Jackie Landman, 17 Elliots Alley in  
8 Valley Cottage. My home is actually  
9 going to be adjacent to what looks like  
10 Lot 8 on this map.

11 I am sure my comments are going to  
12 be the same as most of my neighbors. I  
13 have a major water concern. We have  
14 major major water problems on that  
15 hill. I have addressed it when my  
16 neighbor built his home above us. We  
17 had tremendous water problems.

18 We hear in the process now the  
19 Town just approved to put drains in on  
20 Elliots Alley to try to take some of  
21 the water that is coming down.

22 The back of my property now has  
23 water going through it that has dug  
24 gullies that are two and a half feet  
25 deep.

1  
2 This house is going to be behind  
3 me. There is a rock gully in their  
4 now. Where is all this water going to  
5 go?

6  
7 According to the DEIS I read it  
8 shows that the water flows through Lot  
9 8. I continue to read, all of a sudden  
10 Lot 8 disappeared, we are taking care  
11 of Lot 3 at the bottom with a basin.

12 I would like to know where all  
13 this water is going to go, and I think  
14 we are entitled to that before 14 homes  
15 go up behind it. And my house floods,  
16 because when it does, the Town is going  
17 to be responsible to take care of my  
18 house.

19 MS. THORMANN: Thank you.

20 MS. LANDMAN: Thank you.

21 MS. VERTIGO: I would like to say  
22 something.

23 MS. THORMANN: Please come  
24 forward.

25 MS. VERTIGO: Hi, Loretta Vertigo,  
877 Stockton Road, Stockton and Dalton.

1  
2 I am the corner house.

3 My neighbor lives across from me,  
4 she is on Dalton. She is the last  
5 house before the end of Dalton. We are  
6 really concerned, as she said, about  
7 the water problem. The water, these  
8 homes are going to back up to 9W, and  
9 that water comes flowing off that  
10 mountain. At the end of Dalton Street  
11 there is a stream, an underground  
12 stream there that runs down, and it's  
13 going to run right along this property.

14 My neighbor on Dalton, she  
15 couldn't be here tonight. She just  
16 spent a lot of money fixing her  
17 drainage problem on her property, and  
18 everyone is really concerned that when  
19 these houses are built, that the right  
20 drainage is going to take all this  
21 water and put it in some kind of catch  
22 basin.

23 MS. THORMANN: You said something  
24 about 9W. This isn't anywhere--

25 MS. VERTIGO: No, up above us, we

1  
2 are below.

3 MS. THORMANN: I live in Valley  
4 Cottage. The hook is above you.

5 MR. BAUM: West Hook.

6 MS. VERTIGO: The end of Dalton,  
7 that is where the two houses are going  
8 to be built and then the mountains up  
9 above them, but there is so much water  
10 that runs down from there, it's the  
11 same water problem.

12 MS. THORMANN: It runs from the  
13 top of the mountain and ends up in Twin  
14 Ponds.

15 MS. VERTIGO: Then it comes down.

16 MS. THORMANN: It crosses Lake  
17 Road.

18 MS. VERTIGO: That whole water.

19 MS. THORMANN: The Tolstoy then  
20 into Twin Ponds.

21 MS. VERTIGO: Are they going to be  
22 these huge pipes that are going to  
23 catch this water and bring it down to  
24 this catch basin on the bottom of the  
25 hill? Where is all this water going to

1  
2 go for these 14 homes? Is there going  
3 to be proper plumbing, drainage, pipes  
4 to carry this water?  
5

6 I know people on the bottom of my  
7 development have water problems now.

8 MS. THORMANN: Mr. Zigler, do you  
9 want to say anything? He is the  
10 engineer.

11 MR. ZIGLER: Basically on the site  
12 they are talking we have incorporated a  
13 drainage line that would be along 9, 8,  
14 7, 4, and bring it down to Mulberry  
15 Road, so there is actually a ditch  
16 there and it's shown on the large map.  
17 Inside the package you can actually see  
18 it, and you can see it on the soil map,  
19 but there is an extreme ditch right  
20 there on Lots 9, 8 and 7, and we will  
21 change that to a drainage pipe.

22 MS. VERTIGO: How about the water  
23 coming down here where these two houses  
24 are?

25 MR. ZIGLER: We have drainage.

MS. LANDMAN: Where are these

1  
2 pipes going to go?

3 MR. BAUM: Does it go along the  
4 municipal easement indicated on this  
5 map? I see a municipal easement where  
6 Lot 8 is, Lot 7 and Lot 4, is that  
7 where the drainage is going? Does it  
8 really make a 90 degree turn along the  
9 back side of Lot 8?

10 MR. ZIGLER: Eight.

11 MR. BAUM: Then the lot going to  
12 Number 7?

13 MR. ZIGLER: Yes.

14 A VOICE FROM THE AUDIENCE: I am  
15 looking at a map that we got from the  
16 library.

17 MR. GENESLAW: It's important that  
18 the record be clear. With multiple  
19 members of the public speaking at once,  
20 there will be no way for Mr. Zigler to  
21 respond in writing for the comments  
22 that are raised.

23 MS. THORMANN: Excuse me, please,  
24 we have the lady speaking and Mr.  
25 Zigler responding.

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MS. VERTIGO: We were just wondering now, she has a major water problem. This is the end of Dalton Street, correct?

MR. ZIGLER: Dalton is way down here.

MS. VERTIGO: Okay.

MR. ZIGLER: Here is Mulberry, here is Elliots. The water is going down here going north and we are picking the water up here.

MS. VERTIGO: The water that is going to come down off of Dalton, is there going to be drainage at Dalton Street anywhere?

MR. ZIGLER: We are picking up the water as it enters our property and redirect it --

MS. THORMANN: Excuse me, one at a time. I am sorry.

MR. ZIGLER: Thank you. I am trying to answer the question.

MS. THORMANN: I know you are.

MR. ZIGLER: We can only pick the

1  
2 water up as it enters our property.  
3 There is two points that it enters our  
4 property, at the top half of the  
5 mountain and this ditch that we are  
6 discussing. We are picking the water  
7 up and redirecting it into either an  
8 existing drainage-- the water that is  
9 coming onto our property we are picking  
10 it up, redirecting it onto Mulberry  
11 Road. The water that we are picking up  
12 through our property is redirected into  
13 the retention area.

14 What we are doing is, we are  
15 stopping the flow of surface water down  
16 the hill and we are stopping the flow  
17 of surface water from the west side of  
18 the property, through the property to  
19 the east side, and that's where the  
20 problem is along Mulberry Road and  
21 Bellville, so we are stopping the water  
22 as it enters the-- the surface water as  
23 it enters our property the best we can  
24 and redirecting it.

25 It's along the property line at 90

1  
2 degree angles, and that is how the  
3 drainage report explains it, and at the  
4 bottom we are having a retention pond  
5 to slow the storm flows off the site.  
6 It all meets DEC code which we have to  
7 meet to get a permit to do  
8 construction.

9 MS. VERTIGO: Okay. I mean,  
10 that's mostly everyone's main concern.

11 MR. HOEHMANN: The question with a  
12 follow-up, the woman who spoke just  
13 previously who lives adjacent to Lot 8  
14 claims that the water currently goes  
15 through a stream bed, then goes across  
16 her property.

17 MR. ZIGLER: She is absolutely  
18 correct as it is shown on the map, and  
19 we will intercept it, and that is why  
20 that pipe is along the property line  
21 and why we are doing 90 degree turns  
22 because we are catching it before it  
23 leaves the property, so what she spoke  
24 of is a stream cutting across her  
25 property. She is absolutely correct.

1  
2 Hopefully when we get finished,  
3 that will be eliminated. We are  
4 picking it up in two spots, so we  
5 should be able to eliminate it.

6 MS. LANDMAN: That was my  
7 question. Can you show me on the  
8 map --

9 MS. THORMANN: Excuse me, one at a  
10 time.

11 MS. LANDMAN: I was first so no  
12 one answered my question, so now he  
13 addressed my question.

14 MS. THORMANN: Are you finished,  
15 ma'am?

16 MS. VERTIGO: Yes.

17 MS. THORMANN: Then it's much  
18 easier for everybody if you go one at a  
19 time.

20 MR. ZIGLER: If you just flip over  
21 to that map at page two, I will show  
22 you right here. Right here, I believe  
23 this is you, right now there is a small  
24 catch drainage pipe.

25 (An off the record discussion took

1  
2 place.)

3 MS. THORMANN: Do you want to make  
4 a statement, sir? Come over to the  
5 microphone, give your name and address.

6 MR. CURLEY: Yes, John Curley, 875  
7 Stockton Road.

8 I have been up there for 40 years.  
9 I am one of the first residents. The  
10 water that he is talking about runs the  
11 width of the property, not just that  
12 stream in the back. My kids used to  
13 ice skate above the last house he is  
14 talking about in a big pond. That is  
15 still there.

16 When the rain comes down it's a  
17 big pond, and it just comes down the  
18 width of the property, not this little  
19 stream that runs down the side, so what  
20 they are talking about, putting a pipe  
21 over here is not going to do anything.  
22 It may save somebody on that side.  
23 What about the rest of us?

24 I have two feet of water in my  
25 backyard when it rains. I had to put

1  
2 pipes around my pool to keep it from  
3 popping out of the ground, and I have  
4 been there 40 years with this and I  
5 don't know how they are going to change  
6 it by building a couple of houses.  
7 That's it.

8 MS. THORMANN: Thank you, Mr.  
9 Curley.

10 Yes, sir, please come and identify  
11 yourself.

12 MR. CERBONE: Ralph Cerbone. I  
13 live at 86 Mulberry Road in Valley  
14 Cottage. I am at the other side on  
15 Mulberry and I am at the dead-end.

16 Okay. As you go up Elliots Alley  
17 there is a dead-end and the road is  
18 supposed to go through. That road is  
19 so bad, Mulberry, the dead-end, the  
20 water, when it comes down that hill, I  
21 mean, it just keeps-- it's like a  
22 stream coming down the hill and you can  
23 see it go right down into Elliots Alley  
24 where that sewer has dropped on Lake  
25 Road, and it has also dropped on

1  
2 Mulberry on both of them. Both of them  
3 you can see, and I have no traffic on  
4 my street, I only have two houses on my  
5 street, and the sewer pipe is dropping  
6 because in the wintertime it freezes,  
7 and there is so much water there, I  
8 have already had two trucks, a garbage  
9 truck and a mail truck crash into my  
10 wall and my shrubbery, because when  
11 they go up to the top, the water comes  
12 down and freezes so fast that even  
13 though they put a lot of salt on it, it  
14 just forms a sheet of ice, so there has  
15 been-- I also had somebody crash from  
16 the other house from ice in the  
17 wintertime, skid on the ice and crash  
18 right through my fence and halfway into  
19 my pool last year, and that you can see  
20 is on the police report too, so there  
21 is a big water problem, and I have a 12  
22 foot wall that drops where I have a  
23 pool, and I am worried about if they  
24 blast, if that's going to affect my  
25 house. I mean, will there be blasting?

1  
2 Because there is shale there too,  
3 because when we went to put a pool  
4 there there was a lot of shale.

5 MS. THORMANN: Will there be  
6 blasting, sir?

7 MR. ZIGLER: I don't have that  
8 answer right now. That would be the  
9 last thing you would do. We would  
10 rather hydraulically remove the rock  
11 than blast it.

12 MR. CERBONE: My two issues are  
13 blasting and the water problem, you  
14 know, because I have it on Mulberry  
15 Road and it just keeps flowing right  
16 down.

17 MS. THORMANN: Yes, sir, do you  
18 want to come and identify yourself and  
19 give your address.

20 MR. LEVY: Tom Levy, 24 Elliots  
21 Alley, and I bought the property, and  
22 when they did Elliots Alley, I was  
23 promised a right-of-way into my  
24 property. I would like Dalton extended  
25 to my property. That is the only way

1  
2 in and out.

3 I have a 20 foot right-of-way into  
4 the property now, but I should get a 50  
5 foot that I was promised when they did  
6 Elliots Alley.

7 I am also concerned about the  
8 blasting. I have five dogs and I would  
9 like to know if they do blast ahead of  
10 time when they are going to blast.

11 MS. THORMANN: Anyone else? Any  
12 of the consultants have anything to  
13 say?

14 MR. LETSON: Not at this time.

15 MS. THORMANN: Mr. Geneslaw,  
16 anything at this time?

17 MR. GENESLAW: I would just like  
18 to say a few words mostly for the  
19 audience's benefit on what happens  
20 next.

21 Whenever the Board closes the  
22 hearing which may be tonight or it may  
23 be after tonight,, I don't want to  
24 steal your thunder.

25 MS. THORMANN: I have no thunder.

1  
2 Go ahead.

3 MR. GENESLAW: When the Board  
4 closes the hearing, whether it's  
5 tonight, the record has to be kept open  
6 for a minimum of 10 days. That is so  
7 if the people think of something after  
8 they have been here at the meeting,  
9 they have an opportunity to write in  
10 comments to the Board. It can be  
11 longer than 10, but it has to be at  
12 least 10.

13 Then the next step after that, the  
14 applicant typically prepares a Final  
15 Environmental Impact Statement which  
16 has the responses to all the comments  
17 that were raised by the public, by the  
18 staff, by the outside agencies, by the  
19 Board members, and then after that the  
20 Board would make a findings statement  
21 which summarizes the project, the  
22 impacts and the mitigation, and then  
23 the Board would complete the  
24 environmental process and then be able  
25 to go on to the approval of the

1  
2 preliminary and final subdivision which  
3 is where you ended up tonight with the  
4 various Smith Farm properties.

5 At some point Mr. Zigler is going  
6 to have to show you a map which shows  
7 he can conform to the code for the  
8 standard map with conforming lots, and  
9 he indicated he is going to be doing  
10 that in the near future.

11 MS. THORMANN: I don't think the  
12 public hearing should be closed  
13 tonight. How about Board members?

14 MR. HOEHMANN: I would agree.

15 MS. THORMANN: I think that the  
16 map has to be --

17 MR. TRACY: May I speak on that?

18 MS. THORMANN: I just want to say  
19 a few other things and then you can.

20 MR. TRACY: What I would like to  
21 say is, what is going to come up at the  
22 next public hearing that didn't come up  
23 at this public hearing?

24 This is a situation where, as Mr.  
25 Geneslaw described it, we are taking in

1  
2 comments. Now, if you say well, there  
3 is 50 more people that want to speak  
4 who aren't here tonight, you can keep  
5 the public hearing open. But if you  
6 are going to keep the public hearing on  
7 the thought that we are coming back  
8 with answers, we are not.

9 MS. THORMANN: You know you are  
10 not coming back with answers, but there  
11 were people who are not here tonight.

12 MR. TRACY: I don't see any sense  
13 keeping it open at all.

14 MS. THORMANN: I want to put  
15 something else on the record. On June  
16 29th I think it was, Mr. Schulson and I  
17 and Mr. Simoes and the Town Planner met  
18 with the supervisors of the Town of  
19 Clarkstown about the possibility of the  
20 Town purchasing the upper portion of  
21 this parcel. I don't know whether you  
22 are aware of it. It was on the open  
23 space committee's list for property to  
24 be acquired for open space.

25 Mr. Schulson at the time requested

1  
2 that it be taken off the list because  
3 the Town had said that it would not  
4 condemn any property that the owner of  
5 the property did not want to sell.

6 Now, I am not saying that the Town  
7 is going to buy it. It's under  
8 discussion. It would have to be  
9 appraised and the Town would have to  
10 order an appraisal, but know that we  
11 are cognizant that there are problems  
12 connected with this and that is a  
13 consideration.

14 This is just out there for  
15 information. There has been no  
16 decision made either by the owner of  
17 the property or by the Town of  
18 Clarkstown.

19 MR. TRACY: Thank you. I am  
20 authorized to say that I am aware of  
21 that and discussed it with Mr.  
22 Schulson, and we both agree that it was  
23 hardly appropriate for us to get into  
24 any details here, but I am sure that we  
25 will all meet in the future and discuss

1  
2 this. And, of course, any decision  
3 that is made, if the Town does make a  
4 decision to purchase, would be subject  
5 to permissive referendum and public  
6 scrutiny. It's not going to be  
7 something that nobody knows about.

8 MS. THORMANN: The Open Space  
9 Committee doesn't have a public  
10 referendum. The Open Space Committee  
11 has to make a recommendation and the  
12 Town Board would have to vote on it.  
13 There is no public referendum.

14 MR. TRACY: There is no public  
15 referendum, but under Town Law, there  
16 can be a permissive referendum for the  
17 Town to purchase property.

18 MS. THORMANN: Are you requesting  
19 that?

20 MR. KRAUSHAAR: It would have to  
21 be something that was brought about by  
22 a petition from affected taxpayers.

23 MS. THORMANN: This was  
24 recommended by the Open Space Committee  
25 of the Town of Clarkstown.

1  
2 MR. TRACY: Permissive referendum,  
3 a person doesn't like what you do so he  
4 goes out and gets the required number  
5 of signatures on a petition.

6 MS. THORMANN: I can't imagine  
7 that anybody in that neighborhood would  
8 want to go out and cause a permissive  
9 referendum if the Town considered  
10 buying it.

11 MR. TRACY: I couldn't imagine it  
12 either. I just stated as a procedure  
13 it wouldn't necessarily follow to show  
14 that it's not going to be done in the  
15 dark.

16 MS. THORMANN: No, nothing is done  
17 in the dark that I know of.

18 MR. TRACY: Perhaps you don't know  
19 what I know.

20 MS. THORMANN: Mr. Hoemann.

21 MR. HOEHMANN: Mr. Tracy, when you  
22 were here previously for the applicant,  
23 on my site visit I spoke to the  
24 property owner who was adjacent to Lot  
25 Number 14, and they are not here

1  
2 tonight, and they had requested that  
3 they be apprised of future meetings,  
4 and they told me they would be coming.

5 MR. SCHULSON: Lot Number 1?

6 MR. HOEHMANN: Her name is  
7 Miratore. (Ph) The reason I mention  
8 this, in walking the upper part of the  
9 parcel, Ms. Miratore shared stories  
10 that are consistent that many of the  
11 people spoke about here about water on  
12 the opposite side of the lot and  
13 significant drainage issues, and she  
14 talked about significant amounts of  
15 money that she put into her property to  
16 fix drainage, and quite frankly, she  
17 admitted to creating a swale on the  
18 property line, actually on your  
19 property, so I would be very interested  
20 in hearing from Mrs. Miratore at the  
21 next meeting. That would be the reason  
22 for keeping the public hearing open.

23 MR. TRACY: You want her to have a  
24 chance to come in?

25 MR. HOEHMANN: Yes, because I

1  
2 think what she is relating, the Town  
3 did work along the back of her property  
4 and her drainage easement, a  
5 significant amount of work. She then  
6 did additional work on top of that and  
7 it's only helped remediate some of the  
8 water issues that is affecting her  
9 property and some of these other people  
10 over on Dalton Street and Stockton, so  
11 I would certainly want to hear from any  
12 other residents in that area,  
13 particularly this woman.

14 MR. TRACY: You are sure she will  
15 come in?

16 MR. HOEHMANN: One of the members  
17 said she couldn't make it.

18 MS. VERTIGO: I am sure she would  
19 come in. It was hard for her today.  
20 It was the first day of school. Her  
21 husband isn't home and she has small  
22 children.

23 MR. HOEHMANN: That is my reason  
24 for keeping it open.

25 MR. CERBONE: Wasn't there a

1  
2 letter sent from Claudia who lives on  
3 Mulberry Road also? Wasn't there a  
4 letter sent from Claudia who lives on  
5 Mulberry Road?

6 MR. KRAUSHAAR: Yes.

7 MR. LETSON: Mulberry Road,  
8 correspondence to the Board.

9 MR. CERBONE: She had a lot of  
10 problems with water coming across the  
11 street.

12 MR. LETSON: Mrs. Barkley's letter  
13 was written to the supervisor in  
14 response to the notice that was sent to  
15 the adjacent residents and was  
16 forwarded to the Planning Board.

17 MR. KRAUSHAAR: Let me read that  
18 for the record. It's dated August  
19 18th. Once again it was addressed to  
20 the Supervisor.

21 "I am in receipt of your letter  
22 dated August 17th, 2005 regarding a  
23 public hearing to review a Draft  
24 Environmental Impact Statement for the  
25 property which lies adjacent to mine in

1  
2 Valley Cottage.

3 As I understand it, there is a  
4 proposal to create 14 residential lots  
5 on 15 acres of land. I have lived in  
6 my house for 10 years. My experience  
7 by proximity has been that there is a  
8 critical flow of water off the mountain  
9 through the property proposed for  
10 development.

11 During heavy rain, et cetera, the  
12 torrent can easily be seen and heard.  
13 I am concerned about the potential for  
14 damage to my property from any change  
15 to the land associated with the  
16 development and the consequences of  
17 displaced water flow.

18 I respectfully put you on notice  
19 regarding this risk and note my  
20 reliance on the Town of Clarkstown (if  
21 approving this planning change) as well  
22 as the developer to ensure that my  
23 neighboring property is not damaged in  
24 any way from the displacement or  
25 redirection of the water.

1  
2 I would like to receive a copy of  
3 the environmental mental study if you  
4 would please send that to me.

5 Sincerely, Claudia A. Barkley, and that  
6 was cc'd to William Blair at Blair  
7 Campbell PC, Joe Simoes and Chairwoman  
8 Thormann.

9 MS. THORMANN: I don't know where  
10 Chairwoman Thormann's went.

11 MR. KRAUSHAAR: It is missing a  
12 "C", and I believe that she was  
13 referencing with regard to the letter  
14 dated August 17th, the public hearing.

15 MR. CERBONE: That is the only  
16 letter we received.

17 MS. THORMANN: We are trying to do  
18 a date certain.

19 Okay, September 28th.

20 MR. KRAUSHAAR: Can I make a  
21 recommendation? If the purpose of  
22 continuing the public hearing is to  
23 apprise people in the area who could  
24 not make it tonight of the continuation  
25 of the public hearing, even though the

1  
2 law doesn't require additional notice  
3 and it's your intention to apparently  
4 set a date certain, perhaps additional  
5 notice should be sent out.

6 MS. THORMANN: That was --

7 MR. BAUM: Her exact words.

8 MS. THORMANN: Yes. In fact, we  
9 should notify everybody who is not here  
10 tonight.

11 MR. BAUM: The people that were on  
12 the original list.

13 MS. THORMANN: On the original  
14 list. Yes, Mr. Cerbone.

15 MR. CERBONE: The only issue I  
16 have, you see, it's not my neighbor  
17 across the street from me, two or three  
18 other houses, like there is houses  
19 below me that the water flows through  
20 my yard, in my pool, fills up my pool,  
21 runs off my pool because it comes in so  
22 fast and hits the people behind me in  
23 my backyard, so these people don't get  
24 notified because they are not adjacent  
25 to the property.

1  
2           You see, this water is  
3 affecting --

4           MS. THORMANN: Mr. Cerbone, can I  
5 say something to you? I live in Valley  
6 Cottage. I am familiar. Water goes  
7 down, crosses the street, it goes  
8 through Joy Acres and it ends up in  
9 Twin Ponds. I am well aware of it, all  
10 right.

11          MS. LANDMAN: Our road doesn't go  
12 into Joy Acres.

13          MS. THORMANN: Some of it does. I  
14 am talking from the hill, ma'am. I  
15 have walked the property. I have lived  
16 there for 40 years before most of you  
17 were there. I know the area well and  
18 there is a water problem. We are well  
19 aware of it.

20          MR. CERBONE: What would be  
21 involved, just a question, if we got a  
22 petition in the neighborhood to see  
23 about purchasing and, say, condemning  
24 this property because it's not  
25 buildable?

1  
2 MS. THORMANN: The Town is not  
3 going to condemn anything, I can tell  
4 you that, but you can petition for the  
5 purchase.

6 MR. BAUM: You could also inform  
7 your neighbors who you say are  
8 concerned about these issues as well.  
9 You know there will be a meeting. You  
10 know what the day of the meeting is.  
11 We are going to make an attempt to  
12 contact the adjacent owner to let them  
13 know, but you can go to all your  
14 neighbors. You can bring a copy of the  
15 sheet and distribute it to them at  
16 their doors or however you would  
17 distribute it to your neighbors, or  
18 call them up or send e-mails to do  
19 that.

20 If other people have concerns, we  
21 want to hear it. The only obligation  
22 is to advertise. When we do advertise  
23 in the newspapers, not everybody reads  
24 that legal notice stuff, but you can  
25 also do it on your own. You could be

1  
2 notifying your neighbors, and if there  
3 is a problem, it may be neighborly for  
4 you to do that, but that is your  
5 choice.

6 MS. THORMANN: As hard as it might  
7 be for you to believe, the man has a  
8 right to develop his property, if it  
9 can be developed without impinging on  
10 anybody else.

11 MR. CERBONE: I agree with that.

12 MS. THORMANN: If the engineer can  
13 work out plans where it can be  
14 mitigated, meaning that it doesn't send  
15 off any excess water and the Town  
16 engineers agree with that, the man has  
17 a right to do it, so our job is to be  
18 fair not just to you and to the Town,  
19 but also to protect the applicant's  
20 rights also.

21 MR. CERBONE: My only thing is,  
22 that they built a house across the  
23 street and a couple of houses in front  
24 of me, and mine was the beginning of  
25 Joy Acres north.

1  
2 MS. THORMANN: I know.

3 MR. CERBONE: And they stopped and  
4 there is a water problem. The street  
5 was supposed to be fixed. I have been  
6 there seven years, brand new, it still  
7 hasn't been fixed.

8 MS. THORMANN: We are aware of  
9 that.

10 Is there anything else?

11 MS. LANDMAN: Can I ask you a  
12 question? Do we have any input from  
13 environmental development or our  
14 engineers?

15 MS. THORMANN: There is the Deputy  
16 Director of environmental control.

17 MR. LETSON: We are reviewing the  
18 document and the drainage study and the  
19 grading and the clearing, and the same  
20 elements that we will provide comment  
21 to the Board, yes.

22 MS. LANDMAN: When do we get to  
23 hear what those comments are?

24 MR. LETSON: Absolutely, it would  
25 be part of the public record in the

1  
2 Planning Board Office.

3 MS. LANDMAN: Thank you.

4 MS. THORMANN: Okay, then, we will  
5 adjourn until September 28th. Do I  
6 have to give him a specific time?

7 MR. KRAUSHAAR: If you are going  
8 to be re-advertising anyway, no, but if  
9 you are able to do it.

10 MS. THORMANN: I can't tell  
11 exactly, but it would be in the  
12 neighborhood of 8:30.

13 MR. HEIM: Give or take two hours.

14 MS. THORMANN: Do I hear a motion?

15 MR. CERBONE: Can you make it a  
16 little earlier?

17 MS. THORMANN: We are starting at  
18 7 o'clock, sir.

19 MR. TRACY: 8:30, give or take?

20 MS. VERTIGO: Are you going to  
21 send out the notice?

22 MS. THORMANN: Anybody on the  
23 original list will receive a notice.

24 MR. BAUM: I make a motion to  
25 reconvene the public hearing on

1  
2 September 28th.

3 MR. KRAUSHAAR: Continue the  
4 public hearing.

5 MS. THORMANN: Continue the public  
6 hearing.

7 MR. KRAUSHAAR: And readvertize  
8 it.

9 MR. BAUM: Readvertize it.

10 MR. HOEHMANN: Second.

11 MS. THORMANN: Moved by member  
12 Baum, second by member Hoemann. All in  
13 favor?

14 (A chorus of ayes.)

15 MS. THORMANN: Thank you.

16 MR. TRACY: Thank you very much.

17 MR. GENESLAW: I think that there  
18 was a request for an extension of time.

19 MS. THORMANN: Oh?

20 MR. GENESLAW: I am told you acted  
21 in the beginning.

22 MS. THORMANN: I can't close the  
23 meeting because I have something I want  
24 to say to the Board.

25 MR. SCHULSON: Just to go back to

1  
2 a statement that was made earlier about  
3 the Town possibly being interested in  
4 the property.

5 MS. THORMANN: The Town is  
6 interested, it is not possibly.

7 MR. SCHULSON: I just hope that  
8 the interest of the Town will not delay  
9 the approval of the project should we  
10 not agree on the sale to the Town.

11 MS. THORMANN: There are two  
12 separate issues. I don't see that one  
13 relates to the other.

14 MR. KRAUSHAAR: What is the  
15 question?

16 MS. THORMANN: What he is asking  
17 sub rosa is, that there would be  
18 retribution.

19 MR. SCHULSON: Not retribution.

20 MS. THORMANN: That is what you  
21 are implying, Mr. Schulson, that his  
22 application would be down if he didn't  
23 sell to the Town.

24 MR. TRACY: I think you answered  
25 the question.

1  
2  
3 MS. THORMANN: And I think he is  
4 taking issue with it. There are two  
5 separate issues.

6 MR. SCHULSON: I hope so.

7 MS. THORMANN: Your subdivision  
8 and the possible purchase.

9 MR. TRACY: You answered the  
10 question. You don't see what one has  
11 to do with the other.

12 MR. KRAUSHAAR: It better not.

13 MR. HOEHMANN: We had a similar  
14 situation where an applicant, the  
15 public had input and the Town Board  
16 acted while we were going through our  
17 process, and negotiated and agreed to  
18 purchase a portion of the property for  
19 many of the very same reasons. This  
20 took place in Nanuet and it didn't  
21 delay or deter the process that this  
22 Board took.

23 MR. SCHULSON: You answered my  
24 question.

25 MR. KRAUSHAAR: While I can  
certainly sympathize with the

1  
2 applicant's feelings on this matter, I  
3 would also like to point out that the  
4 County, who certainly has no interest  
5 in purchasing the property, issued a  
6 four-page GML.

7 MR. Schulson: Two pages were  
8 copied out of the last development and  
9 the first couple of pages was done on a  
10 map that was done three and a half  
11 years ago that hasn't been brought  
12 current.

13 MR. KRAUSHAAR: Obviously their  
14 concerns remain and they are pretty  
15 substantive, notwithstanding the  
16 misspelling of two.

17 MR. SCHULSON: The omission of a  
18 period.

19 MR. KRAUSHAAR: A period.

20 MR. CERBONE: Can I ask one more  
21 question?

22 MS. THORMANN: What, Mr. Cerbone?

23 MR. CERBONE: What is the Board's  
24 feeling?

25 MS. THORMANN: We don't have any

1  
2 feeling on it at the moment.

3 MR. CERBONE: You have no feeling  
4 towards it?

5 MS. THORMANN: No..

6 MR. TRACY: Thank you.  
7  
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C E R T I F I C A T I O N

1  
 2  
 3  
 4 STATE OF NEW YORK )  
 5 ) ss.  
 6 COUNTY OF WESTCHESTER. )  
 7

8 I, HOWARD BRESHIN, Court Reporter  
 9 and Notary Public within and for the County of  
 10 Westchester, State of New York, do hereby  
 11 certify:

12 That I reported the proceedings  
 13 that are hereinbefore set forth, and that such  
 14 transcript is a true and accurate record of said  
 15 proceedings.

16 I further certify that I am not  
 17 related to any of the parties to this action by  
 18 blood or marriage, and that I am in no way  
 19 interested in the outcome of this matter.

20 IN WITNESS WHEREOF, I have  
 21 hereunto set my hand.

22  
 23 HeBe  
 24 -----  
 25 HOWARD BRESHIN,  
 SENIOR COURT REPORTER

## Section 8-7

### RESPONSES TO COMMENTS

#### WRITTEN CORRESPONDENCE AND MINUTES OF PUBLIC HEARINGS AND RESPONSES THERETO

A public hearing was held before the Town of Clarkstown Planning Board on September 7, 2005 at 9:30 p.m. at 10 Maple Avenue, New City, New York and continued on November 14, 2005 before the same Lead Agency. At that latter meeting the public hearing was closed and the public comment period was extended to the close of the business day on Monday, October 24, 2005 at 5:00 p.m.

#### AGENCY AND PUBLIC COMMENT

ROCKLAND COUNTY SEWER DISTRICT NO. 1 – Has no objection to the project as described but will require permits as set forth in their letter dated August 18, 2000.

Response: The request of the Rockland County Sewer District No. 1 will be complied with.

ROCKLAND COUNTY PLANNING BOARD – Alleges that the project is subject to GML Review as the site is within 500 feet of the long path.

Response: Project is not within 500 feet of the existing long path.

RCPB CONTINUED – It is their understanding that the DEIS used the standard layout that does not conform to the Town Code.

Response: The RCPB is correct. During the lengthy SEQRA process town regulations changed and a new map conforming in all respects to the standard layout has been submitted and accepted.

RCPB CONTINUED – Discussed the need for variances on the plan as submitted and indicated lack of clarity as to whether appropriate reductions have been taken for steep slopes and right of way, land under water and rock outcrops.

Response: The revised standard layout does not require variances and did take into consideration the concerns about rock outcrops and lands under water.

RCPB CONTINUED – A soil and erosion control plan shall be developed and in place for the entire site that meets with the New York State guidelines for urban erosion and sediment control.

Response: Such a plan has been developed and is enclosed within the original document as Page 3-15 and will adhere to all regulations of the Town of Clarkstown and New York State Department of Environmental Conservation.

RCPB COMMENT – The Rockland County Planning Department recommends a short term maintenance agreement between the applicant and the Town regarding stormwater management facilities.

Response: The applicant has indicated its willingness to enter into and negotiate such an agreement during the subdivision process.

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(A 40 year resident)

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THE PUBLIC HEARING WAS CONTINUED TO NOVEMBER 14, 2005

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Commented that the plat submitted should be labeled as preliminary, a signature block should be added for the Rockland County Drainage Agency, a line on the bulk table should be added for floor area ratio, building envelopes should be shown and further commented that the lots conform to zoning.

Response: The recommendations will be followed.

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Voiced no objections to the project but referred to previous correspondence dated August 18, 2000 which required details for sanitary sewer construction, must be in compliance with the district's construction standards and shown on the plans; the district requires sanitary sewer construction to conform with district standards including, but not limited to relative air, vacuum and deflection testing of main line, sewer and manhole construction; the district must receive and approve certification of test results from a licensed professional engineer before approving sewers for the project. In addition, the district requires that pre-cast and dog house sanitary manhole construction be in accordance with the district's standards and that the proposed sanitary sewer extension be made a condition of granting a Certificate of Occupancy. Further, that details for sanitary sewer connection are subject to approval by the Town of Clarkstown.

Response: The applicant will comply.

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Response: The well will be properly capped and filled in accordance with existing standards. The applicant has not been advised of further interest by the town in the purchase of the property.

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Response: The response given by Deputy Director of Environmental Control Letson described some of the design elements that will be provided to achieve the best drainage system and further stated that the types of systems designed today are more stringent than those systems in the past. The proposed drainage design is based on proven acceptable methods.

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Response: Her comments were appreciated and were best answered by Vice-Chairman Yacyshyn who indicated the purpose of the public hearing was not to debate whether or not the property should be developed, but rather to provide pertinent information relating to the DEIS and its completeness.

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878 Dolton Street  
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Advised she had an existing water problem and complaints put into the town; that she had requested that swales be put in and further stated that she now has two swales on her property, one in the front and one in the back which the town has not maintained. She further indicated she had \$20,000.00 worth of drainage put into her property and does not want any more water problems.

Response: Ms. Muratore does have a Town Drainage Easement on her property to divert the surface flows away from the residence. The applicant proposes to intercept the surface flows above the Muratore residence and divert the flows toward the drain between proposed lots 13 and 14. See details on Drawing 3 entitled "Standard Layout Grading Plan".

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Expressed concern over flooding, advised that the road is sinking and that to date nothing has been done and suggested that existing problems be fixed before this development is started.

Response: The applicant's responsibility is to see that this project does not exacerbate existing conditions and has designed drainage to mitigate some of the existing conditions. Repair of existing dedicated Town roads is a Town responsibility and the developer is responsible for damage to these roads caused by construction vehicles or activities.

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Reiterated his concern about the sheet runoff from the edge of the parcel and that the installation of drywells should be considered along with the applicant's ability to protect as many trees as possible outside of the conservation easement.

Response: Mr. Hoehmann's comments were noted and will be best dealt with at the time of detailed subdivision approval for this project.

THE PLANNING BOARD ANNOUNCED THAT PUBLIC COMMENT WOULD BE RECEIVED UNTIL THE CLOSE OF BUSINESS DAY ON MONDAY, OCTOBER 24, 2005 AT 5:00 P.M. – NO FURTHER COMMENTS WERE RECEIVED.

Section 8-7

this section  
missing from  
orig.

**RESPONSES TO COMMENTS**

**WRITTEN CORRESPONDENCE AND MINUTES OF  
PUBLIC HEARINGS AND RESPONSES THERETO**

A public hearing was held before the Town of Clarkstown Planning Board on September 7, 2005 at 9:30 p.m. at 10 Maple Avenue, New City, New York and continued on November 14, 2005 before the same Lead Agency. At that latter meeting the public hearing was closed and the public comment period was extended to the close of the business day on Monday, October 24, 2005 at 5:00 p.m.

**AGENCY AND PUBLIC COMMENT**

ROCKLAND COUNTY SEWER DISTRICT NO. 1 – Has no objection to the project as described but will require permits as set forth in their letter dated August 18, 2000.

Response: The request of the Rockland County Sewer District No. 1 will be complied with.

ROCKLAND COUNTY PLANNING BOARD – Alleges that the project is subject to GML Review as the site is within 500 feet of the long path.

Response: Project is not within 500 feet of the existing long path.

RCPB CONTINUED – It is their understanding that the DEIS used the standard layout that does not conform to the Town Code.

Response: The RCPB is correct. During the lengthy SEQRA process town regulations changed and a new map conforming in all respects to the standard layout has been submitted and accepted.

RCPB CONTINUED – Discussed the need for variances on the plan as submitted and indicated lack of clarity as to whether appropriate reductions have been taken for steep slopes and right of way, land under water and rock outcrops.

Response: The revised standard layout does not require variances and did take into consideration the concerns about rock outcrops and lands under water.

RCPB CONTINUED – A soil and erosion control plan shall be developed and in place for the entire site that meets with the New York State guidelines for urban erosion and sediment control.

1

Response: Such a plan has been developed and is enclosed within the original document as Page 3-15 and will adhere to all regulations of the Town of Clarkstown and New York State Department of Environmental Conservation.

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