

**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
(FGEIS)
TOWN OF STONY POINT
2013 AMENDMENT TO 1995 MASTER PLAN
AND IMPLEMENTING CODE REVISIONS
Town of Stony Point
Rockland County, New York**

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Table of Contents

1.0 INTRODUCTION

- 1.1 Description of the Proposed Action
- 1.2 SEQR Actions
- 1.3 Revisions to the Proposed Action since the submission of the DGEIS

2.0 RESPONSES TO COMMENTS ON THE COMPREHENSIVE PLAN AND DSEIS

- 2.1 Public Hearing Comments
- 2.2 Written Comments

APPENDICES

- A. Written Comments Received During the SEQR Comment Period
- B. Relevant Excerpts from Minutes of the Town Board Public Hearing

1.0 INTRODUCTION

This document constitutes the Final Generic Environmental Impact Statement (FGEIS) for the proposed action known as the 2012 Amendment to the 1995 Town of Stony Point Master Plan and Implementing Zoning Code Revisions. This document has been prepared in compliance with the rules and regulations of the New York State Environmental Quality Review Act (SEQRA) and addresses comments provided by the public, interested and involved Agencies at the SEQR public hearings held on February 5, 2013 and during the specified SEQR comment period.

1.1 Description of the Proposed Action

The recommendations, which constitute the Proposed Action for this GEIS are a series of recommendations intended to be appended to the existing 1995 Town Master Plan. See Appendix I - 2010 Master Plan Amendment Recommendations (available in Town Hall) for a full discussion. These recommendations, which are evaluated in the DGEIS are as follows:

- Permit mixed uses in the BU Zoning District (Route 9W Corridor);
- Reduce Parking Standards in the BU District;
- Adjustment of Parking Requirements for Changes of Use;
- Reconsideration of Special Permit and Conditional Uses in non-residential zoning districts;
- Permitting Auto Repair facilities without gasoline stations;
- Creation of a Technical Advisory Committee;
- Rescind the View Preservation prohibition on development within 50 feet of the peak of a ridge and adopt additional revised view preservation regulations;
- Revise Steep slopes regulations so that man-made steep slopes are held to the same standards as natural steep slopes;
- Permit attached housing, townhouses and condominiums in all residential zoning districts at current residential densities;
- Allow for accessory apartments subject to conditions;
- Creation of a tree preservation provision within the zoning code;
- Revision of the stream protection law so it is easier to understand without substantively changing its meaning;
- Provide additional planning attention to the Beach Road area;
- Evaluate the development of large-scale, mixed use development and the creation of a “town center” atmosphere along Route 9W, focusing on the intersection with Main Street in the Town’s Business District.
- Coordinate tourism efforts between local destinations within the Town such as the Battlefield, theater and golf course and increase marketing of the Town at regional tourism destinations such as Woodbury Common and Bear Mountain in an attempt to draw tourists in the area to Stony Point retail shops, dining and accommodations.
- Seek alternate funding sources;
- Identify thresholds of acceptable redevelopment at Letchworth Village and Patriot Hills Golf Course to aid in the solicitation of a developer for this site;

- Revision of Average Density subdivision regulations to remove minimum lot size requirements to be more consistent with contemporary planning practices and to remove references to prescriptive conditions necessary to authorize or require average density;
- Permit commercial rental vehicles as an accessory to uses permitted in the BU Zoning District subject to specific conditions; and
- Revise the zoning code to clarify that required buffers between certain uses and residential districts should be from residential lots in residential districts only.

1.2 SEQR Actions

A Positive Declaration was issued for the Proposed Action by the Town Board on December 11, 2012. At that same Town Board meeting, the Draft Generic Environmental Impact Statement (DGEIS), which was submitted for consideration with the draft Comprehensive Plan amendments, was accepted as complete by the Town Board. Notice of this Action was distributed as required. A Public Hearing was opened on the Comprehensive Plan amendments, implementing zoning and the DGEIS on February 5, 2013. The meeting was continued over several meetings and closed on June 25, 2013. Public comment period was held open for an additional fifteen days. All comments received during this time have been responded to and incorporated herein.

1.3 Substantive Revisions to the Proposed Action Since the Submission of the DGEIS

In response to extensive public and agency comment received during the public comment period for the DGEIS, the Town Board made a number of substantive changes to the proposed Implementing Zoning considered in the DGEIS. These changes include:

1. The Building Inspector was given authority to allow up to 2500 square feet of disturbance of steep slopes, so long as the disturbance is not for the construction of a principal structure. Also, it has been clarified that the ridgeline preservation provisions only apply to new construction or additions over 500 square feet.
2. Proposed Zoning was clarified to make it clear that while the Building Inspector was given authority to vary the parking requirement, existing parking may not be eliminated through the provision.
3. Additional requirements have been added requiring a simple Planning Board approval for the storage of rental trucks. A full or partial site plan will not be required unless found necessary by the Planning Board following a site visit.

4. The requirements for site plan review have been revised so that site plan review will not be required where an existing structure is proposed to be reoccupied by a permitted use.
5. The proposed tree preservation regulations were eliminated as existing provisions exist.
6. The storage of vehicles in connection with a service station was eliminated from the front setback.
7. The Notice requirement for variances has been changed to adjacent property owners as shown in the office of the Town Assessor, which is the current requirement, and is less than the 300 foot proposed requirement. Also, the requirement for GML review has been corrected to reflect the County having waived certain types of applications.
8. Several "housekeeping" zoning amendments were added to clarify interpretation issues raised by the Town of Haverstraw. Upon further consideration, these changes will be considered separately given that these proposed amendments are not intended to implement the Master Plan and may be controversial to the neighboring community. The Town Board as lead agency does not believe that this division of consideration constitutes improper segmentation as the changes are not related in purpose and there are not synergistic or additive affects that those amendments would have with the amendments intended to implement the proposed Master Plan.
9. The proposed code amendments governing accessory apartments were discarded in favor of legislation adopted and implemented by the Town of Orangetown, that has been in place for several years. This substituted code language discards expiration over time in favor of a requirement for covenants and easements that require removal of the accessory apartment should the owner no longer reside in the home. It was thought that such an approach would be easier to administer and since it has been in force for many years in Orangetown, was believed to have benefitted from practice.
10. Based on comments from the building department, changes are proposed to the excavation regulations to clarify that rock processing is limited in residential districts, not non-residential districts, rock processing is an appropriate activity in industrial districts, and in fact was in practice at both the US Gypsum factory and the Tilcon quarry.
11. A requirement of the proposed Ridge Preservation Law, governing use of natural materials was removed as it was deemed overly restrictive and potentially energy inefficient.
12. A Ridge Preservation Map was provided to identify areas that would be subject to restriction. Based on these proposed overlay districts, 542 tax parcels will be affected, which is 10.3% of Stony Point's 5,297 tax parcels. This will impact 2,088 acres of Stony Point's 19,753 acres (10.5%). As shown, no areas under 100 feet above mean sea level are proposed to be included in the overlay (faded areas). Areas within the Palisades Interstate Park (hatched area)

are also excluded. Lastly, the proposed areas are intended to include areas that are over 100 feet MSL and visible from the Town's well-travelled scenic roads (green area).

13. Similar changes were made to the buffers to freshwater wetland chapter as were made to stream buffer requirements. This will simplify the regulations without undermining protections.

14. Modern standards for the regulation of hotels/motels was provided. Regulations were based on laws in Clarkstown and Woodbury. The proposed regulations will ensure that hotels are not converted to apartments however, flexibility to allow modern hotels is maintained. Hotels and Motels are proposed to remain a special permit of the Town Board, so additional controls may be adopted at the time of project review.

15. Gasoline/Auto Repair proposed amendments were revised to clarify that regulations regarding the removal of tanks and promulgated by other agencies must be followed.

16. Regulations for automobile washing facilities were simplified and clarified that the requirements do not apply to accessory washing facilities.

17. Previously proposed legislation to allow the construction of Townhouses was removed.

18. Previously proposed legislation to reduce the number of Zoning Board of Appeals members was removed and the ZBA was left at seven members.

19. The Master Plan recommendation providing specific recommendations regarding the permitting of Townhouses in the Town have been made significantly more generic. They now read:

Townhouse and condominium developments generate fewer schoolchildren (approximately 15% to 40% fewer) than comparable detached housing. These types of houses are also typically located on private streets, with private recreational facilities and with private trash collection and therefore demand fewer Town services. Given the rising cost of school taxes, attached housing should be permitted in select residential zoning districts at current residential densities. If a lot could have been developed for five detached homes on five one-acre lots, it should also be permitted to be developed for five attached residences on one five acre lot, a portion of which will likely remain undeveloped. Additionally, density bonuses are suggested to achieve Town goals.

This significantly more generic language is intended to convey the interest in the Town Board in allowing Townhouses without defining the specifics. However, the desire to keep Townhouse densities relatively low is clearly stated, as is the desire for any additional Townhouse density to be tied to the achievement of Town Goals through density incentives. The more specific

regulations and the environmental consideration of such regulations will be up to a future Town Board as the proposed regulations have been removed from the proposed zoning.

20. The Master Plan was revised to reflect more recent demographic and economic information.

21. The Master Plan was revised to correctly indicate that proposed amendments to allow restaurants in the PW and R-W districts were never adopted.

2.0 RESPONSES TO COMMENTS ON THE COMPREHENSIVE PLAN AMENDMENTS AND DSEIS

2.1 Responses to Written Comments

A. Letter from Thomas Vanderbeek, PE, Commissioner, Rockland County Planning Department, dated January 23, 2013

A.1. On page 7 of the 2012 Amendment to the 1995 Master Plan, a table is provided with key housing, demographic, and economic indicators. Three years are provided for comparison: 1990, 2000, and 2008. Since the onset of the Town's update, the 2010 US Census has been taken. In addition, statistics from the U.S. Census Bureau, 2007-2011 American Community Survey, 5 year estimates, are available, also providing more recent data. We have provided updated statistics that can be used for Table 1 (see attached sheet), which should be incorporated into the Master Plan amendment. Updated statistics should also be provided for Figure 1 on page 8; thereby providing updated Census data that would be more beneficial to use for comparisons.

Response: The provided and requested demographics have been inserted into the Master Plan.

A.2 Table 2 provides data on Income and Benefits. Three columns are provided, but two of the headings are listed as "Households 2000." Should the third column instead be entitled "Households 1990?" This should be corrected. In addition, the data for households should be provided using 2010 U.S. Census data or data from the 2007-2011 5-year estimates from the U.S. American Community Survey. The text on pages 8 & 9 should also reflect these figures.

Response: The table and text have been updated.

A.3 The new text on page 8 indicates that there is "a decrease in the amount of affordable and workforce housing available." Should that instead be "a decrease in the percentage of affordable and workforce housing available?" If that is a more accurate statement then the word "amount" should be changed to "percentage."

Response: The suggested change has been incorporated.

A.4 A discussion about whether to allow restaurants in the PW and R-W district was provided on page 13 of the proposed Master Plan amendments. It was indicated that the Town Board had decided to allow restaurants, as conditional uses, in the PW district, and that the code changes to do so, have already been adopted. However, no further mention was made as to

whether the use would be allowed in the R-W zoning district. This decision should be stated so that a conclusion can be gleaned from the Plan.

Response: The Master Plan was revised to correctly indicate that amendments to allow restaurants in the PW and R-W were never in fact adopted.

A.5 We have several comments and questions regarding the section in the Master Plan that discusses mixed-uses/upper story apartments on page 14:

A.5.1 The heading was changed from "Mixed Uses" to "Upper Story Apartment" but the text only refers to mixed uses and residential uses. If the Town wants to specify that only an upper story apartment is permitted above a commercial use, then the text should be consistent and refer to these units as "upper story apartments" instead of as "mixed uses". Perhaps the more appropriate heading would be "Upper Story Residential Units."

Response: The suggested text has been incorporated.

A.5.2 The second sentence references "multifamily units" when discussing the benefits of having housing above commercial structures. Can the owner of a commercial structure provide upper story housing if only one unit is proposed? This needs to be clarified.

Response: The term has been changed to "residential units."

A.5.3 The heading indicates that this amendment is for commercial properties in the BU zoning district AND in the Route 9W corridor. However, neither the text nor the criteria indicate that a property must be situated on Route 9W. In fact, none of the documents submitted mention allowing residential units in the BU district only if the parcel is located in the Route 9W corridor. What does the Route 9W corridor consist of - only parcels fronting on the State highway; with access to, but not fronting on; or does it include parcels within a certain distance of the highway? The text must be expanded to address the allowing mixed uses in the BU zoning district in the Route 9W Corridor.

Response: The entire BU district is located along the Route 9W corridor, so such a clarification is not required.

A.5.4 If the mixed uses/upper story apartments are only permitted in the BU zoning district and on the Route 9W corridor, then one of the criteria should be that vehicular parking must be designed so that vehicles do not have to back out into the State right-of-way.

Response: The New York State DOT will govern such restrictions. Local zoning restrictions are not necessary.

A.5. 5 A listing of criteria are provided for residential dwelling units in mixed use buildings in the BU zoning district. The criteria list should be expanded to also indicate that all other bulk requirements for BU zoning district must be met for the non-residential use, so as to assure any development does not result in an overutilization of the site. These five issues and questions regarding the Upper Story Apartments must be addressed.

Response: It is implicit that all BU zoning district bulk requirements must be met as no exception from such requirements are indicated in the special permit.

A.6 The suggested parking standards provided on page 15 generally seem reasonable. However, the parking standards for commercial recreation, automotive washing facilities, and automobile sales do not provide specific criteria, but rather state that the parking should be provided based on "not less than the highest design hour as determined by the Planning Board." These undefined standards could result in unclear requirements for the applicant. Specific standards need to be provided that clearly indicate how many parking spaces are required for these uses. The 2002 American Planning Association Planning Advisory Service publication entitled "Parking Standards," and the Institute of Transportation Engineers 2010 publication called "Parking Generation" could be used as references. Examples for each of these uses include the following: commercial recreation - 1 space for each 150 square feet of gross floor, building, or ground area, or 1 space for each 4 seats or facilities available for patron use, whichever is the greatest; automotive washing facilities - stacking area 5 times the capacity of the car wash plus 1 parking space per employee; and automobile sales - 1 legal space for every 5 unregistered vehicles intended for sale and storage; or 1 per each 200 square feet of useable floor area.

In addition, the parking standard provided for automobile repair seems low, based on these references. Examples in these documents cite that minimum standards should be 1 space per each service bay and mechanic. The Town should review these four land uses to determine if the proposed parking standards should be changed.

Response: The proposed standard for automobile repair is one space per 1/3 bay (three spaces per bay), which is a stricter requirement than the suggested 1 space per each bay and mechanic. Additionally, the Comprehensive Plan Advisory Committee considered the cited sources when developing the specific standards. That committee determined that those specific uses varied too greatly for a one-size-fits-all approach. This is why flexibility was given to the Planning Board to determine the parking based on a case-by-case basis.

A.7 Page 15 lists the parking standards for various uses, including "Local Service Commercial." Further in the document on page 17, is a listing of uses and whether they will be conditional, special permit, or allowable uses. One of the uses listed on page 17 that is to remain as a special permit use is the "Local Convenience Commercial" use. Is this the same use as listed on page 15? If so, then the uses should be called the same throughout the document. If the "Local

Service Commercial" use is not the same use, then to help clarify the difference, the term should be defined in the text and zoning ordinance.

Response: The reference has been revised to more correctly refer to "Local Convenience Commercial."

A.8 On page 16 there is a discussion of "Adjustment of parking requirements for change of uses." New uses with access on a State or County road should not only be reviewed by the Building Inspector, but also by the appropriate highway agency in which the parcel is located to ensure that there are no ongoing issues with the current parking as designed. As proposed, an applicant who has a use that needs 30 spaces could get a reduction to 19.5 spaces. It is imperative to ensure that inadequate parking does not impact the safe and efficient flow of traffic on State and County roads.

Response: It should be noted that no reduction of parking is permitted. The relief will allow the Building Inspector to waive a portion of parking requirements for existing structures with existing parking, but that existing parking is not permitted to be reduced. Additionally no exterior modification may be conducted and the proposed use must be permitted in the zoning district. Should these criteria not be met the use would need to proceed to site plan, and the Building Inspector would not be permitted to waive parking. The provision is intended to lower the cost of a permitted use business locating within an existing site that is otherwise completely adequate. Submitting such a business to a DOT review would subvert the purpose of this limited waiver. Given the limited applicability of this provision and the types of uses that required Zoning Board relief of this manner in the past, no significant impacts are anticipated.

A.9 The Master Plan amendments discuss reconsidering special permit and conditional uses in the BU, O, and LI districts (page 16, Item #4). The text continues by describing the changes that are proposed for the BU and LI districts, but no recommendations are made for the O district. If no changes are being recommended, then the first sentence of this section should be amended to remove the mention of revising the O district with regards to special permit and conditional uses - or an acknowledgement should be made stating that no changes resulted with the review of the Master Plan for these uses in the O zoning district. If changes are being made, then the Table of General Use Regulations for the O zoning district needs to be amended, as well as the text in this section of the Master Plan amendments.

Response: The suggested change has been incorporated and the section no longer refers to the O district requiring modification.

A.10 Page 17 introduces a new zoning district that will be comprised of the parcels currently in the LI zoning district and which are located west of the rail line. It should be clarified in

the text as to whether this district will be referred to as the "LI-1" or the "LI-2" zoning district.

Response: It has been clarified that Holt Drive will become LI-2

A.11.1 The Holt Drive (LI zoning district) backs up against residential zones to the south, in the Town of Haverstraw and the Village of West Haverstraw. The proposed bulk standards for the permitted uses in the Holt Drive zoning district should include an extra buffer requirement for those parcels that are adjacent to the residential uses. For example, besides the 25, 50, or 60 foot rear yard requirement, based on the use group, an additional buffered area should also be required (perhaps a doubling of the rear yard requirement). This will reduce any potential conflicts with the uses, and help to reduce noise, light glare, and other negative impacts from these nonresidential uses.

Response: The proposed district will have such a requirement as proposed.

A.11.2 In addition, some of the proposed uses may not be appropriate to be placed adjacent to residentially used or zoned properties, such as the uses that produce odors, fumes, or noise, including animal boarding facilities (kennels). Several of these uses are also very intense in nature, and will create higher traffic volumes, an increase in truck traffic, and offer operational hours that conflict with residential uses (catering hall, nursery/landscaping supply, building supply). The Town should re-evaluate whether all of these uses are compatible with the adjacent existing residential uses, and therefore, determine which type of use they should be categorized: permitted, conditional, or special permit uses.

Response: The uses added to the LI-2 District are permitted in the BU district, which also has residential zones adjacent. The mentioned uses will continue to be conditional, which offers the same protections as a special permit use, but is granted by the Planning Board instead of the Town Board.

A.12 View preservation is discussed on page 19 of the proposed Master Plan amendments. We recommend that sections of the Ridgeline Protection Overlay Model Ordinance, developed by the Rockland Riverfront Communities Council, be considered in developing a local law to address this issue in the Town of Stony Point.

Response: The attached legislation was considered and determined to be too onerous and complicated. The proposed legislation allows the Planning Board to require adequate reasonable protections.

A. 13 Protection of sloped lands is discussed in the Master Plan amendments. In addition to clarifying the existing code to provide the same protection to man-made slopes as is provided for natural slopes, we recommend that the Town consider expanding and

strengthening steep slope protections with a local law that provides for lot area reductions in new subdivisions based on a sliding scale, according to relative steepness of the land, and protection for rock outcrops, etc. Examples of such local laws that could be used for references are located in the Villages of Grand View and Sloatsburg.

Response: A similar provision already exists at §215-16.

A. 14 In order to achieve some of the Town goals, the Master Plan amendments in Section 9. Townhouse and Condominium Developments include the allowance of density bonuses if affordable housing is provided. Priority population groups are listed, with a specific order for these populations. However, this list omits emergency service volunteers (EMS and firefighters) and caregiver work force staff (nurses, home health aides, and child-care workers), a population that is highly needed, yet who often receive low or no pay for their services. As recommended in the "Rockland County Comprehensive Plan: Rockland Tomorrow," Chapter 10 (Housing) and Chapter 13 (Services & Information Resources), these population groups should be included in the priority population list for the Town of Stony Point's affordable housing opportunities.

Response: The Town Board has revised the Master Plan amendments to be much more general regarding the recommendation for townhouses and has eliminated the proposed Zoning that would have permitted townhouses in the Zoning Local Law.

A. 15 One of the bulleted items on page 20 of the Master Plan discusses increasing density by twice the developable yield for land in the R-1, SRC, or R-W zoning district if buildable land is conserved in the APRP, SR-R or RR zoning districts. It is unclear as to how an applicant who has a project located in the R-1, SRC, or R-W zoning district, would provide the conservation of buildable lands in the APRP, SR-R, or RR zoning districts. This section of the amendments should be revised to clarify how this would occur.

Response: See response to Comment A.14 above.

A.16 The section on Accessory Apartments provides protections that need to be implemented so as to preserve established residential neighborhoods. Many of the bulleted items need to have the word "should" replaced with "must" or "shall," to strengthen the intent of this amendment. In addition, the Town might want to consider adding a constraint that requires the resident applying for the additional accessory apartment to be a resident of the structure for a specified number of years, prior to being allowed to add the accessory unit to their residence.

Response: It is adequate to have prescriptive rather than restrictive terms used in the Master Plan. The proposed implementing zoning regulations do employ such restrictive terms as well as a requirement for residency.

A.17 The Tree Preservation amendment should be expanded to also include language that discusses the type of tree to be replanted or removed, such as the minimal tree diameters of the replacement trees, and what type of trees should be planted (such as whether they are native or non-native species). A height measurement for the diameter should also be added, such as "at a measurement of tree diameter at breast height (usually around four feet above the ground), the diameter must be eight inches or greater;" - this would provide a reference point in which to measure.

Response: The Town Board has removed the Tree Preservation Amendment and has decided to appoint a conservation advisory committee to author regulations for this purpose.

A.18 On page 23, tourism initiatives are provided both within Stony Point, and nearby. Two major tourist attractions, within 15 miles of Stony Point are listed, both of which are located outside of Rockland County. Later in the paragraph other locales that could collaborate with Stony Point to enhance tourism opportunities are listed. Since Rockland County is rich in historic, cultural, recreational, and retail destinations, it would be beneficial to also cite some locations within Rockland County that could draw tourists and therefore work with the Town to enhance tourism (Bear Mountain State Park, Village of Nyack downtown, Palisades Mall, etc.).

Response: Suggested changes have been incorporated

A.19 The referral letter and resolution both refer to the proposed amendments to the 1995 Stony Point Master Plan, Chapter 215 (Zoning) and Chapter 191 (Subdivision of Land). However, only the first two items were sent to us for review. If no amendments are proposed at this time to Chapter 191, then the resolution should be changed, deleting the reference to this chapter.

Response: No amendments to Chapter 191 are proposed.

A.20 A review shall be completed by the following agencies: NYS Department of Transportation, NYS Department of Conservation, Palisades Interstate Park Commission, Helen Hayes Hospital, County of Rockland Department of Health, County of Rockland Drainage Agency, County of Rockland Division of Environmental Resources and the US Army Corp of Engineers and their comments considered.

Response: The Master Plan, proposed Zoning Amendments and DGEIS documents have been posted on the Town's website for more than six months, and there have been numerous advertisements and published articles regarding the Master Plan's availability in the Rockland Journal News. The completion of the Master Plan DGEIS was also noticed in the Environmental Notice Bulletin. All of those agencies

had ample opportunity to comment. There is no statutory requirement to provide special notice or copies of draft plans to any of those agencies or institutions. Additionally the public comment period has passed.

A.21 The Town of Haverstraw, the Village of West Haverstraw, and the Towns of Highlands and Woodbury located within Orange County, NY must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service.

Response: Written notice of the Master Plan, Zoning Amendments and DGEIS hearing were sent to the clerks of adjacent municipalities that may be effected by the proposed regulations, as well as to the Palisades Interstate Park Commission. The Towns of Highlands and Town/Village of Woodbury will not be affected by the proposed amendments due to the significant buffering by the PIP.

B. Letter from Thomas Vanderbeek, PE, Commissioner, Rockland County Planning Department, dated January 23, 2013

B.1 Both the “Notice of Completion of Draft and Notice of SEQR Hearing” and the “Positive Declaration – Notice of Intent to Prepare a Draft EIS” forms only list two agencies as Interested Agencies: the Town of Stony Point Planning Board and the County of Rockland Department of Planning. This list should be expanded to include the other following agencies: New York State Department of Transportation, Palisades Interstate Park Commission, Rockland County Department of Highways, Rockland County Division of Environmental Resources, Rockland County Drainage Agency, Town of Haverstraw, Village of West Haverstraw, Helen Hayes Hospital, and the Towns of Woodbury and Highlands, located within Orange County.

Response: Those agencies have not requested interested agency status and the Helen Hayes Hospital would not qualify under SEQRA's definition of an agency. Also, see response to Comment A.20 above.

B.2 As with the Master Plan, the DGEIS does not indicate any specific requirements of the proposal to allow mixed uses in the BU zoning district (Route 9W Corridor). As Route 9W is a State highway, the DGEIS should address any impacts that may occur due to the increased use; i.e., access, parking, traffic, etc. The text on page 5 indicates that it is anticipated that there will be an increase in patronage of businesses along the Route 9W corridor; so therefore, there may be associated traffic issues. Allowing mixed uses within the BU zoning district can have a beneficial impact to the community as long as access, traffic, and parking issues are addressed.

Response: The increased patronage is anticipated to be by the residents of the apartments. The number of apartments that could be added via this provision is not anticipated to result in significant environmental or traffic impacts. Traffic and other environmental

impacts would need to be considered on a case-by-case basis as applications for upper-story residential units are received.

B.3 The adjustment of parking requirements for changes of use located within the BU, LI or O zoning districts is discussed on page 6 of the DGEIS. Since it is not anticipated that these parking adjustments will result in any adverse impacts, no mitigation measures are proposed. Since many of the parcels in these zoning districts are located on State or County highways, it is critical to ensure that even a modest impact does not hinder the safe and efficient flow of traffic on these high volume highways. A potential mitigation measure that should be incorporated is to have periodic evaluations by the Town of Stony Point to ensure that sufficient parking is provided, and that no access conflict points arise. If this is found to be the case, then additional parking must be provided, either on or off site.

Response: Comment noted. The Town of Stony Point Building Inspector monitors commercial uses along Route 9W on an ongoing basis. Should such issues arise, it would be the responsibility of the Building Inspector to require a remedy and at such time would propose amendment to the waiver provision.

B.4 Special permit and conditional uses are discussed on page 7 of the DGEIS. Since no specific text was provided in either the Master Plan amendments or the Zoning Code amendments for the O zoning district, this zoning district should be eliminated from the discussion. If changes were proposed, then more details must be provided about what are the permitted, special permit, or conditional uses in the O zoning district; and the Table of General Use Regulations for the O zoning district must be amended.

Response: No changes to the O district are proposed.

B.5 New view preservation regulations are recommended in the DGEIS and Master Plan. It is also recommended that the prohibition on development within 50 feet of the peak of a ridge be rescinded. However, since the view preservation regulations are not yet written or adopted, the prohibition on ridgeline development should not be rescinded. In the future, when the new regulations are adopted, that would be the appropriate time to rescind the other requirements.

Response: The existing prohibition is not currently enforced as the Building Inspector has made a determination that the term "Ridge" cannot be adequately interpreted in the sense in which it is used ("those areas located 50 feet in elevation below the ridge of a mountain shall not be developed, regraded or stripped of vegetation.")

B.6 As discussed in our review of the Master Plan, more restrictive steep slope requirements would be beneficial to the Town to avoid erosion, extensive regrading, and the need for massive retaining walls. These more restrictive requirements would only have a positive impact on the environment, and should be considered.

Response: See response to Comment A.12 above.

B.7 The section on Tree Preservation should be expanded to include consideration of types of trees to be replanted (native vs. non-native) and minimal tree standards that must be met for

replacement trees. Having a variety of trees helps to assure a diverse habitat that is more immune to diseases, drought, and other natural events.

Response: The Town Board has removed the Tree Preservation Amendment and has decided to appoint a conservation advisory committee to author regulations for this purpose.

B.8 On pages 18 and 19, clarification is provided regarding buffers for residential districts. The paragraph describing the anticipated impacts is incomplete and needs to be continued with the appropriate information. In addition, no paragraph is provided on mitigation measures for this action. These paragraphs need to be supplemented with additional information for these sections.

Response: The appropriate information would be to state, that while buffering from residential property affords residents protection, buffering from vacant land in a residential district does not. Therefore removal of such protection is not anticipated to have an adverse impact.

C. Letter from Frank Collyer, Stony Point Action Committee for the Environment, dated February 2, 2013

C.1 (Referencing Section 215-17 Average Density) It looks like the Developers will decide what the requirements will be. It would be better to have clearer definitions here, rather than let developers make demands that may work against long term Town interests.

Response: The authority to require reduced yards, setbacks, coverage and other bulk requirements will fall to the Planning Board, not the "Developers".

C.2 (Referencing Section 215-18 A) This exempts lots created before April 9, 1996 from certain steep slope requirements, and has the appearance of “grandfathering” the possibly negative development of certain properties (like Blanchard Estates?) from reasonable steep slope protections. This needs to be discussed more publicly, with appropriate maps showing affected properties, and a clearer explanation of why this unusual change has been recommended.

Response: Maps showing effected properties have been provided. Portions of the referenced Blanchard Estates would be located within the preservation area.

C.3 (Referencing Section 215--67 B Tree Preservation) This section is pointless as Tree laws have rarely been enforced in the past. It calls for decisions from a “Conservation Advisory Council” which is listed nowhere on the Town’s website and appears not to exist. SPACE calls for much stricter tree laws and an effective enforcement of all of them. Town Engineer Kevin Maher has submitted a more effective proposal that appears to not have been considered.

Response: The Town Board has voiced its intent to appoint a Conservation Advisory Council for the purpose of developing tree preservation laws.

C.4 (Referencing Section 215-83G) Is it a good idea to leave gas tanks in abandoned gas stations? This eliminates the requirement for their removal. This can have a serious effect on groundwater. What is the “upside” for the Town here?

Response: While, removal is no longer a requirement of Town Zoning, the requirements of DEC for tank removal will continue to apply. A statement as to the removal has been added.

C.5 (Referencing Section 215-86.1 Townhouse Developments) SPACE questions whether the need for “negotiating” increases in number of units versus density is good planning. If there are reasonable requirements envisioned by the Town for the good of its residents, that should be the starting point for any requirements, not what might be a “good deal” for the developer. The whole concept of opening substantial parts of Stony Point up to such intensive developments seems to have many troubling aspects; more input by a large number of town residents would seem to be in order for this. We might add that under SEQR regulations, changes to Zones greater than 25 acres is a Type 1 Action, generally requiring a full EIS; this proposal appears to qualify for this intensive a review.

Response: The provisions that would have permitted Townhouses have been eliminated from the proposed Town Zoning.

D. Letter from Stony Point Action Committee for the Environment, dated February 26, 2013

D. 1 There is a strong likelihood that this will produce an increase in the North Rockland population. There is no possible way to guarantee over time that apartments will not be used for families with children. We would present SOPKO here in Stony Point as an example of how proposed usage will change over time.

Response: See response to Comment C.5 above.

D.2 Has the Planner considered the impacts of such a down-zoning on possible uses not yet considered?

Response: See response to Comment C.5 above.

D.3 Has the Planner considered the cost is services: police, fire, ambulance, road maintenance of existing roads when hundreds of people are suddenly plunked down in a hilly remote area?

Response: See response to Comment C.5 above.

D.4 What services will this new “rural” population require? Will they want shopping there? This would impact existing businesses.

Response: See response to Comment C.5 above.

D.5 What will be the impact of traffic on winding, hilly roads and intersections that could be considered by modern traffic management as inadequate?

Response: See response to Comment C.5 above.

D.6 What is the upside of such a radical change to the people of Stony Point? We know the developers will be happy, but what will be the benefit accruing to all the other Stony Point residents?

Response: See response to Comment C.5 above.

D.7 We need far more input on possible, unforeseen scenarios. We need foresight and imagination.

Response: See response to Comment C.5 above.

D.8 If we want townhouses/ apartments / condos, we believe that building them in the center of town along the Route 9W corridor makes far more sense. Services, transportation and shopping already exist there, and our business community would be much happier having them so close. However, it is our recommendation to remove townhouse related items from this Master Plan Update and reconvene the Master Plan Committee to consider how and where any attached housing should be permitted.

Response: The provisions that would have permitted Townhouses have been eliminated from the proposed Town Zoning. Townhouses have been left in a general statement in the Master Plan, that is limited to state that they should be allowed in select zoning districts at current residential densities and that density bonuses should be predicated on meeting Town goals. This vague treatment will provide a basis for future Town Boards to take up consideration of Townhouse Zoning again in the future. Inclusion of this statement in the Master Plan does not allow the construction of Townhouses anywhere in Stony Point.

D. 9 We recommend that the Town create a Conservation Advisory Committee, as discussed in the recommended zoning, and that it be used as indicated and that its use be expanded in the implementation of the Viewshed Overlay District outlined in the proposed zoning Section 215-18B.

Response: The Viewshed Protection Overlay District is intended to be administered by the Planning Board. Should the Town Board appoint a Conservation Advisory Committee as it has indeed indicated, such a committee could be charged with administering the Overlay District review in an advisory capacity similar to the ARB.

D.10 We ask that the Town Board finally resolve the impossible situation created by the “Kitteredge” court decision that currently prohibits public input into the SEQRA hearing process prior to the SEQR Determination.

Response: The Town cannot act contrary to Court rulings. However, for more controversial applications, it has been the practice of the Planning Board to open public hearings prior to completing SEQRA.

E. Letter from Frank Collyer, Stony Point Action Committee for the Environment, dated June 6, 2013

E.1 Words such as “could” and “should” have no legal effect and cannot be enforced. Data provided regarding multifamily developments is debatable.

Response: See response to Comment C.5 above.

E.2 What is the meaning of the term “temporary” in the following zoning provision: “Temporary accessory storage of solid waste in connection with an approved principal use shall not be deemed to constitute a dump, sanitary landfill or junkyard.”?

Response: The referenced provisions have been removed from the proposed zoning and will be considered separately at a later date. Temporary storage in that sense was intended to denote a state in which solid waste was stored for a limited time prior to being used in a manufacturing process, and which the waste did not remain on the site permanently as would be the case with a landfill.

D.3 Who now will decide what an adverse environmental impact will be? An Environmental Assessment Form which will need a Positive Declaration - something that has only happened twice in the last 20 years.

Response: See response to Comment C.5 above.

D.4 This looks to us like a huge override of the current regulations on steep slopes, wetlands and streams, and looks like it is intruding into the realm currently overseen by the Zoning Board.

Response: The proposed changes referenced would not impact steep slopes, wetlands and streams. Construction on those lands would continue to be prohibited. Additionally, the lot area deductions affecting density imposed by the reference environmentally constrained lands would continue to apply to the standard subdivision layout plan used to establish density. Allowing the Planning Board to approve average density lots smaller than 25,000 square feet would relieve the Zoning Board of the need to issue variances for such applications.

D.5 It appears that there will no longer be a minimum lot size (it is struck out in the text) and with the an unexplained bulk and area provision, would allow for the creation of “flag lots”,

something previously discouraged by the Planning Board. We ask that the town board take a closer look at this. The Master Plan is supposed to be a benefit to town residents, not a dodge to help out developers who may have purchased a less than optimum lot.

Response: When a Conservation Cluster Subdivision is proposed, a developer will prepare a standard, “conventional” subdivision plan to determine the total unit yield of a site. The conservation cluster plan will not permit additional units beyond what the standard plan permits. The lots and bulk dimensions are reduced in size in order to preserve open space and natural resources. Bulk dimensions are established for the site by the Planning Board during plan review. Setbacks will be provided to ensure safety and to allow for adequate yard area while also creating a sense of community for the development. The creation of flag lots is possible even with the minimum average density requirements proposed for removal.

D.6 This looks suspiciously like a gift to some developers who own land above steep slopes, and can't easily develop it because of the current steep slope requirements (now being struck out). With this new regulation, a developer gets a 2500 sq. ft. pass, as long as it isn't a “principal structure“ whatever that might be, and can also build roads (yes, that is a plural) for access to other parts of his site.

Response: The proposed steep slope provisions are more restrictive than existing. Under existing zoning, manmade slopes are not regulated. The proposed regulations will regulate all slopes. The 2500 square foot exemption was intended for homeowners to level an area for a yard. A principal structure would be a home, for example and would not be permitted in this exempted area. Sheds, gazebos, pools, would be allowed. This exemption would only be permitted on lots already created by subdivision prior to 1996, since those lots predated the steep slope protections that were adopted in 1996. The provisions regarding roads are existing, not proposed. The text that is being deleted has been determined by the Building Inspector to not be interpretable, and therefore is not currently enforced. The proposed Viewshed Protection Overlay is intended to replace these provisions.

D.7 Terms within the design guidelines are not enforceable: *“a structure **should** be located within an area of lower relative topography on the site ... (3) Where practicable, roofs **should** stay at or below the natural tree line ... (4) For any proposed structure, excluding those which propose to be less than 26 feet in height, the Planning Board **may** require a visual impact assessment...”*

Response: Prescriptive terms rather than restrictive terms are appropriate as guidelines which are intended to be recommendations. If guidelines were mandatory, they would be simple regulations instead.

D.8 The landscaping requirements cite a Conservation Advisory Committee but one does not exist within the Town.

Response: The Town Board has indicated its intent to appoint a Conservation Advisory Committee.

D.9 Why not keep the provision of §215-72, Freshwater Wetlands Protection and Buffer Requirements?

Response: The changes to these rules are intended to simplify the protected area. The land that would be protected will increase after the proposed Zoning Amendments are adopted.

D.10 Re: §215-123 Continuance; appointment; organization - SPACE has been asking, for years, that applicants for the Planning and Zoning Boards be required to have attended at least half the meetings of the board they want to sit on, over the year prior to their appointment.

Response: The Town Board has considered the suggestion and decided to not impose such a restriction.

2.2 Response to Public Hearing Comments

The comments below are grouped by the commenter. As some commenters provided comments on several different nights of the hearing, the date of the specific comment is provided in parenthesis. Minutes of the public hearing can be found in Appendix B of this document.

A. Frank Collyer, Town Resident

A.1 (2/26/13) The proposal for townhouse development in the RR Zoning district will have impacts on the North Rockland School District and other community services. Further analysis should be done.

Response: The provisions that would have permitted Townhouses have been eliminated from the proposed Town Zoning.

A.2 (5/28/13) Would like to see PDF versions of maps available on the website.

Response: Maps have been added to the website.

B. Susan Filgueras, Town Resident

B.1 (2/26/13) The Master Plan is in a state of flux which makes it easy for groups such as the Champlain Hudson Power Express to attempt to do whatever they wish. We need to determine where we are going as a town.

Response: The adoption of the Master Plan is impending. It is not clear how the Master Plan status is aiding Champlain Hudson Power Express.

B.2 (5/14/13) Will zoning for the Ambry Pond area remain the same?

Response: No changes are proposed to the Ambry Pond Reservoir Protection District.

B.3 (5/28/13) What will happen to sewer hookup costs for the Town if the proposed desalinization plan is built? The joint regional plant is 40 years old, will it need to be modified or rebuilt?

Response: The Desalination Plant is not related to the Proposed Master Plan for Stony Point.

B.4 (6/11/13) Inquired about the tree law.

Response: The Town Board has voiced its intent to appoint a Conservation Advisory Committee for the purpose of developing tree preservation laws.

C. George Potanovic, President of Stony Point Action Committee for the Environment

C.1 (2/26/13) Agreed with points made by Mr. Collyer above.

Response: See response to comment A.1 above.

C.2 (5/14/13) He is very pleased with the workshop process, the opportunity to speak openly about concerns and the fact that the Board has kept the public hearing open for this length of time. Some outstanding issues such as average density and high density in a rural residential area still need to be clarified.

Response: Comments noted. The provisions that would have permitted Townhouses have been eliminated from the proposed Town Zoning.

C.3 (6/11/13) The Town should be looking to see if the Ambrey Pond area can be adjoined to the state park property and kept as open space. There may be grants available. The Open Space Institute or Scenic Hudson should be contacted.

Response: Comment noted.

C.3 (6/11/13) Board needs to evaluate rock crushing and look at the implications.

Response: Rock processing has occurred contrary to the prohibition on large scales in the past at the US Gypsum factory and the Tilcon quarry. This demonstrates the appropriateness of these processes to industrial areas. Rock processing will continue to be prohibited in any residential district.

C.4 (6/25/13) Under the impression that accessory apartments had been removed from the plan?

Response: Accessory apartments are still proposed.

C.5 (6/25/13) A summary of amendment changes should be prepared and made available for comments.

Response: See Section 1.3 of this document for a summary of changes to the proposed Master Plan and implementing zoning amendments which have been made as a result of comments received during the SEQ process.

D. Clayton Adams

D.1 Would trash be considered as accessory storage of solid waste? Concerned that someone may take a broad interpretation of this new proposed provision to permit temporary accessory storage of solid waste.

Response: Temporary storage of trash as an accessory (complementary to the main business or use) is currently not prohibited. The proposed language only clarifies this it does not change this.

E. Jim Monohan

E.1 Inquired as to whether accessory apartments had been removed from the plan?

Response: See response to comment C.4 above.

APPENDIX A
Written Comments Received During the
SEQR Comment Period

APPENDIX B
Relevant Excerpts from Minutes of the
Town Board Public Hearing