

DEPARTMENT OF PLANNING

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July 3, 2024

Mayor Abe Sicker
New Hempstead Village Board
108 Old Schoolhouse Road
New City, NY 10956

RE: Proposed Scoping Document Brick Church Road –Revised May 30, 2024

To Mayor Sicker and Village Board Members:

As an on-going interested party for the State Environmental Quality Review Act (SEQRA) process, our department has reviewed the Draft Scoping Document for the above referenced proposal, with a revised date of May 30, 2024. The purpose of the Scoping Document is to identify the issues to be addressed in the Draft Environmental Impact Statement (DEIS) for the creation of a new 1R-10 zoning district and the rezoning of an approximately 149.7-acre parcel to said district. A previous draft of the SEQRA Scoping Document for the Brick Church Road Community, dated December 11, 2023, was submitted to the Rockland County Planning Department with a GML 239 referral for the Zoning Code amendment. This new zone would allow single-family dwellings on lots with a minimum of 10,000 SF. The 1R-10 district will be added to column 3 of the Table of Dimensional Requirements. Bulk standards were also created with the intent of being listed in a new row on the Table of Dimensional Requirements. The 1R-10 zoning district will be applied to tax parcel 50.05-1-11.1.

This department provided a GML 239 review letter, dated May 13, 2024, that included comments on the proposed zone change. We also offered comments on the Draft Scoping document that was submitted with the application.

This updated review of the Draft Scoping Document is based on the changes we have observed from the December 11, 2023, draft to the latest revised draft we have received, dated May 30, 2024. After a review of the document, we have the following comments:

There are significant changes to the revised Draft Scope which this Department objects to. It appears that the Village has removed most, if not all, references to the specific Brick Church Road Community project, other than the title of the document. The project name and site-specific references have been replaced with a reference to 'preliminary or full-scale zoning buildout analysis' separating out any characterization or analysis of further subdivision of this property. The revised draft indicates that the subdivision component of this change will not be included as part of the Draft Environmental Impact Statement (DEIS), but instead "additional site-specific study" will be conducted at a later date prior to subdivision approval. Nevertheless, it is this department's observation that the zone change is focused on a specific individual site for a site-specific project.

Overall, the revised draft Scope no longer satisfies the requirements of SEQRA for the Village to prepare a full and Complete DEIS that takes the requisite 'hard look' at potential environmental impacts.

We strongly urge the Village to restore the language that was in the December 11, 2023 draft as pertaining to the following sections:

III. Environmental Setting / Existing Conditions Potential Impacts Mitigation Measures

- A. Soils, Topography and Geology
- B. Surface and Ground Water Resources
- C. Ecology and Wetlands
- H. Aesthetic Resources
- I. Energy Resources

To avoid possible 'segmentation' under SEQRA, the Village should revise the Scope to prepare a full and complete DEIS that does not divide a project into separate pieces which may fail to address the cumulative environmental impacts of this action.

Alternatively, the Village may consider the preparation of a Generic Environmental Impact Statement (GEIS) for the zone change clearly stating that a Supplemental Environmental Impact Statement(s) will be required prior to subdivision approval. However, a GEIS is usually warranted when the proposed action is broad and non-site specific, however as indicated above this action is for a specific individual site and based on a site-specific project.

Therefore, this Department again urges the Village to revise the Scope so as to result in a full and complete DEIS as required under SEQRA.

Additionally, as is stated in Section II. B *Description of the Proposed Action* of the revised Draft Scope, it is essential that the Village demonstrate that this zone change is consistent with the Village Comprehensive Plan.

In our May 13, 2024 comments we indicated that the Rockland County Planning Department should be listed as an 'Interested' agency, not an 'Involved' agency. The

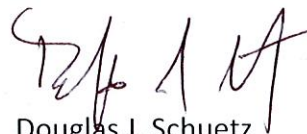
revised draft scope changed the listing of all agencies from 'Involved' to 'Interested'. This should be corrected, identifying both 'Interested' and 'Involved' agencies as defined by SEQRA.

Additionally, the comments of the December 11, 2023, draft scope that this department submitted as part of our May 13, 2024, GML review still apply and are reiterated below:

1. Since the site is currently used as a golf course, the proposed conversion to housing will remove a large area within the Village that is currently used for recreation purposes. A subsection should be added to Section III of the DEIS related to recreation and open space so that impacts of this loss can be determined and properly mitigated.
2. Section III.C. of the DEIS will discuss ecology and wetlands. This section should be expanded, or a new section added, that discusses floodplains, as a large portion of the site is within the 100-year flood zone.
3. A new subsection should be added to Section III that relates to historical and archeological resources that may be impacted on the site or within the vicinity of the project.
4. The Alternatives section should explore the possibility of rezoning the subject parcel to a denser, existing district such as the 2R-15, rather than the creation of the new 1R-10 zoning district.
5. The Rockland County Sewer District No. 1 was not included on the distribution list of involved County agencies. This shall be corrected, and a copy of the application and all SEQRA documentation shall be sent to them for review.
6. The Rockland County Planning Department was listed as an involved agency on the distribution list. As we are advisory in nature and do not issue any permits or provide funding, we should instead be listed as an interest agency. That said, we still request that all future SEQRA documents be referred to our department for review.

Thank you for giving us the opportunity to review the Revised Draft Scoping Document for the Brick Church Road project. We respectfully request that and future SEQRA documents be forwarded to this department for review.

Very truly yours,



Douglas J. Schuetz
Acting Commissioner of Planning

CC: Rockland County Department of Health
Rockland County Highway Department
Rockland County Sewer District No. 1
Rockland County Planning Board
Town of Ramapo Planning Board
Village of Spring Valley Planning Board