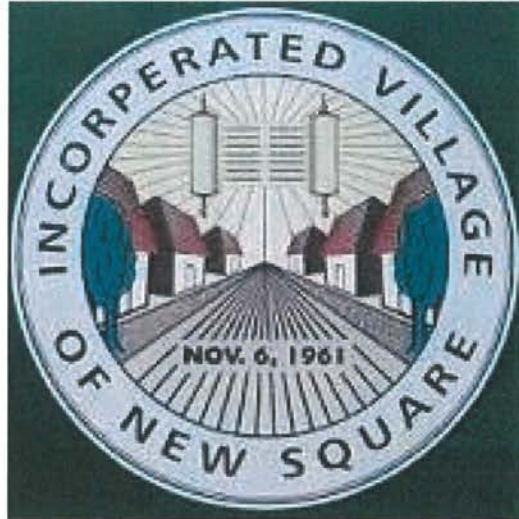


FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT  
for the  
Village of New Square  
Rockland County, New York



Comprehensive Plan, Land Use Plan, Zoning and Zoning Map

*Lead Agency*  
Village Board, Village of New Square

*Prepared by*  
Tim Miller Associates  
10 North Street, Cold Spring, NY 10516  
(845) 265-4400 Fax 265-4418

Village Attorney: Jacobowitz & Gubits, LLP

December 2019

**Final Generic Environmental Impact Statement  
for the  
Village of New Square**

**Comprehensive Plan, Land Use Plan, Zoning Code and Zoning Map**

Village of New Square, Rockland County, New York

Lead Agency: New Square Village Board  
Village Hall  
37 Regan Road  
New Square, NY 10977

Contact Person: David Breuer, Village Clerk  
(845) 354-1000

Prepared By: TIM MILLER ASSOCIATES, Inc.  
10 North Street  
Cold Spring, New York 10516

Contact Person: Stephen Lopez, RLA, AICP CEP  
(845) 265-4400

Village Attorney: Jacobowitz & Gubits, LLP  
(845) 778-2121

Lead Agency Established, Date: 7/29/19

DGEIS Public Hearing, Date: September 25, 2019

DGEIS Deadline for Comments: October 18, 2019

FGEIS Acceptance Date: December 9, 2019

**December 2019**

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Maps

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Written Comments

RCDP-1  
Rockland County Department of Planning,  
Comprehensive Plan Review (NS-41), October 18, 2019

RCDP-2  
Rockland County Department of Planning,  
GML Review, October 18, 2019

RCSD  
Rockland County Sewer District #1, September 23, 2019

RCEH  
Rockland County Center for Environmental Health, September 25, 2019

TCDP  
Town of Clarkstown, Department of Planning, September 23, 2019

Additional Written Comments

(Received after FGEIS acceptance, but before the Findings Statement resolution)

RCSD  
Rockland County Sewer District #1, December 20, 2019)

RHC  
Refuah Health Center, Inc.

RCEH  
Rockland County Center for Environmental Health, December 20, 2019

Appendices

Appendix A: References

Appendix B: SEQR Documents

## SEQR Summary

This FGEIS covers the comments received on the Village of New Square (Village) DGEIS, Comprehensive Plan, Proposed 2019 Zoning Law and Zoning Map Draft, all dated August 2019. The comments received are followed by responses. The responses are presented as insertions into the letters received from agencies, in the order shown on the contents page. Please note that as a result of converting pdf documents to Word documents for inserting responses, various formatting and spelling issues arose. We attempted to correct many of these but realize we did not correct all.

## SEQRA Background

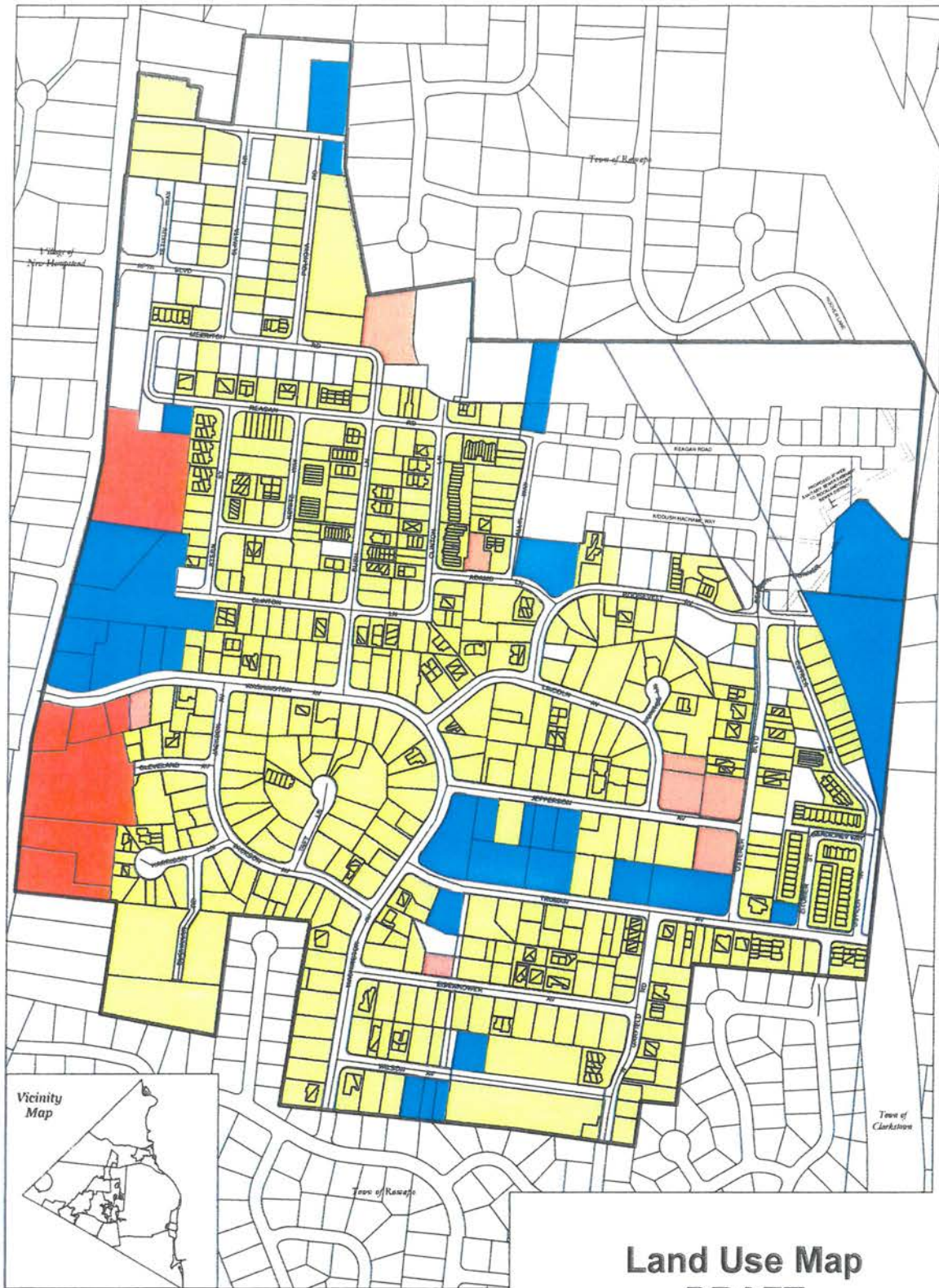
The Village declared its intent to be lead agency on June 21, 2019. Subsequently the Village circulated the lead agency notice and a draft Scoping Document to interested agencies, and held a public Scoping Session on July 18, 2019. No verbal comments were received at the Public Scoping Session. Several written comments were received and the Final Scope was amended and adopted on August 12, 2019.

The DGEIS, Comprehensive Plan, Proposed 2019 Zoning Law and Zoning Map Draft, which had been under discussion and review by the Village Board for over a year were finalized in August 2019. The Village Board accepted these documents as complete on September 3, 2019. A public hearing was held on September 25, 2019 and notices circulated to all interested agencies, including Rockland County. At the request of the County a letter specifically requesting a GML review was submitted to the County by the Village. No verbal comments were received at the Public Hearing. Several letters were received and responses to those follow.

## Description of the Proposed Action

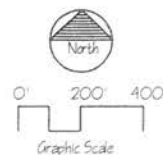
The proposed action consists of sequential steps undertaken by the Village to update land use regulations. Initially the comprehensive plan, including preparation of a land use map and a consolidated zoning districts map, was prepared. The Village then revised the zoning ordinance in accordance with the comprehensive plan and consolidated zoning districts.

This action has been undertaken to take a thorough and updated look at the community's past, current and future development trends with the express intention of updating the existing zoning ordinance. In recent years many development applications, especially in the built sections of the Village, required numerous variances. Going forward it is the intent of the Village to create a zoning code that better reflects development needs due to scarcity of land, and the interest of residents to be able to house successive generations in the community.



**Land Use Map  
DRAFT**  
**Village of New Square**  
 Rockland County, NY  
 August 19, 2019

- Land Uses**
- Residential
  - Public
  - Commercial
  - Neighborhood Shopping
  - Vacant



At the same time the Village is cognizant that regulations of agencies outside the Village have changed. These include NYS DEC (SEQR, wetlands, etc.), O&R Utility, Inc., Suez Water, Inc. and Rockland County Sewer District 1, among others. Also the NYS Building Code and Fire Code have been updated. It is the intent of the Village to have an updated zoning code that is compliant with these outside regulations, and to have them enforced through the application review process and subsequent building permits.

### Countywide Resources

The most common Countywide resources commented on were roads, water and sewer use. These are discussed below.

The Village recognizes that it is part of the larger Rockland County community sharing resources with adjoining and distant neighbors. However it is important to recognize that in many ways the Village is a much lower consumer of scarce resources per capita than the average Rockland County resident. For instance a much higher percentage of Village residents work at home or walk to work than the average County resident. Therefore they have a much lower per capita number of vehicular trips, contribute significantly less to road congestion and have a correspondingly lower carbon footprint. The road system within the Village is much more efficient than in the less densely populated County resulting in less stormwater runoff, less heat sink and less capital costs in road development and maintenance.

Water consumption can also be expected to be lower per capita in the Village than in the County. This is simply due to the much smaller lots in the Village requiring less water to support lawns and landscape plants. And with the newer homes being built the water saving faucets and toilets now in use expand the conservation of water resources.

Expansion of sewer facilities due to higher densities than those in effect prior to the proposed zoning changes will be financed by an \$1850 fee per land use in excess of the previously allowable land uses.

### Conclusions

The Village has provided adequate opportunity for public comment on the Scope, the DEIS, the Comprehensive Plan and Zoning Map. Hard copies of all documents were delivered to interested agencies and were available at Village Hall and the Finkelstein Memorial Library, 24 Chestnut Street in Spring Valley, for review. In addition digital copies have been available on the Tim Miller Associates, Inc. website.

All comments received have been responded to in this document.





**Public Hearing, September 25, 2019**

Attendees

The Public Hearing opened at 6:15 pm and closed at 6:45 pm. Attendees at the Public Hearing included:

Village Board Members

Trustee Berger, Chair  
Trustee Biston  
Trustee Fischer  
Trustee Unger

Both motions; to open and to close the hearing were moved by Trustee Berger, seconded by Trustee Unger and unanimously approved.

Also Present

David Breuer, Village Clerk  
George Lithco, Esq., Jacobowitz & Gubits, LLC, Village Attorney  
Stephen Lopez, AICP CEP, Village Planner

Mr. Breuer outlined the Public Hearing Procedures. Mr. Lopez presented the FGEIS, the Proposed Comprehensive Plan and the Proposed Zoning.

Comments

There were no comments from the Public at the Public Hearing.

# Rockland County

Ed Day, Rockland County Executive

---

DEPARTMENT OF PLANNING  
 Dr. Robert L. Yeager Health Center  
 50 Sanatorium Road, Building T  
 Pomona, New York 10970  
 Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz  
*Acting Commissioner*

Arlene R. Miller  
*Deputy Commissioner*

October 18, 2019

New Square Village Board  
 37 Reagan Road  
 New Square, NY 10977

Tax Data:

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 Land M

Map Date:

Date Review Received: 9/18/2019

Item: *VILLAGE OF NEW SQUARE · COMPREHENSIVE PLAN (NS-41)*

A Comprehensive Land Use Plan and revisions to the Zoning Code and Zoning Map for the Village of New Square.

Throughout the Village

Reason for Referral:

Towns of Clarkstown and Ramapo, Village of New Hempstead, Palisades Interstate Parkway, North Main Street (NYS Route 45)

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

*•Recommend the following modifications*

The proposed Comprehensive Plan is intended to guide the future development and land use decision-making for the Village of New Square. The Village's first zoning regulations were adopted in 1967, and the proposed map and text amendments represent the first major revision of the Village zoning regulations since modifications were made in 2007. A central focus of this revision to the zoning amendments is to provide a simplified and more uniform development process by reducing the number of zoning districts to four, and more closely matching the Village's regulations to existing patterns of growth.

The County welcomes this opportunity to review these proposals and offers the following comments:

## VILLAGE OF NEW SQUARE- COMPREHENSIVE PLAN CNS-41)

1. One of the major elements of the proposed changes to the Village's zoning regulations is the consolidation of eight existing zoning districts into four, which includes consolidating four existing residential zoning districts into a single Residential zoning district. The proposed zoning amendments allow substantially higher residential density than the current regulations for residential zoning districts. Since a majority of the land area in the Village will be designated as Residential, proposed changes within this zone will have a substantial impact on future development.

***Response to RCDP-1, Comment 1a: The impact of the proposed residential zoning changes may appear substantial. However as stated in the DGEIS, the proposed zoning updates "... will incorporate changes that reflect the most common variances granted, thereby alleviating the Zoning Board's burden." (p. 2.1-3). The precedents set in New Square for variances to date, reflecting the needs of the community as it has grown, have created an unwritten code of exceptions. The proposed code changes will codify the nature of actual development proposals and variances routinely granted. For this reason the code changes are not expected to significantly affect future development patterns or density. In addition please consider:***

- ***The changes will have little effect, if any, on the Bush Lane and Reagan Road residential development encompassing most of the northern side of the Village. These areas have already been through the approval process and are in the development phase with many buildings in the Bush Lane subdivision already under construction or complete.***
- ***In the older, residential sections of the Village properties already built out with multifamily developments are unlikely to be impacted largely due to displacement and/or Section 8 concerns.***
- ***In older areas with single or two family homes increases in density have been occurring to accommodate growing families and it is in these areas where the new zoning regulations will have the most impact. The zoning changes will bring more order to the application proposals, set forth new minimum setbacks, and streamline the review process.***

The proposed Residential zoning district requires a minimum lot size of 3,500 square feet for zero lot line two-family dwellings and 7,000 square feet for a four-unit multifamily dwelling. This results in a residential density of 24.9 units per acre. In addition, each multifamily dwelling unit in excess of four units may require as little as 1,000 square feet in lot area, which adds additional units at a rate of 43.6 units per acre. By comparison, the existing R-1 zoning district requires 10,000 square feet for a two-family residence, which is a residential density of 8.7 units per acre. Other existing residential zoning districts have similar bulk requirements to what is currently proposed, with some requirements being more restrictive and others being less restrictive. However, the existing R-1 zoning district occupies roughly 40% of the village, and the allowed residential density within the R-1 zoning district will approximately triple.

***Response to RCDP-1, Comment 1b: The Village does not agree with RCDP's gross calculations regarding allowable density increases due to multifamily development in the current R-1 zone for several reasons. First, as discussed in Response to Comment 1a above, the "unwritten" Village code already presupposes an increased development pattern from what is listed in the existing R-1 Zoning District bulk regulations based upon variance precedents. Therefore, although the allowed residential density may be allowed to increase with the proposed zoning amendments, the Village knows that these increases have already been taking place (and will continue to take place without the proposed zoning amendments) in the form of variance applications. By codifying the "unwritten" Village code, the Village will be able to keep better track and ensure that all future development conforms to the code. Second, RCDP's gross calculations presented do not take into consideration the fact that existing religious and neighborhood shopping uses are currently found in the R-1 district. Therefore, these non-residential uses currently do and will continue to reduce residential density far below RCDP's gross calculations in the proposed Residential zoning district. Third, these gross calculations ignore the fact that the majority of the proposed Residential zoning district has already been fully built out and that little density can feasibly or legally be added in most areas even with the proposed zoning amendments.***

This increase in residential density will have substantial impacts on traffic, water usage, sewer demand, drainage, and demand for community services. The Comprehensive Plan must acknowledge the impact of the proposed changes to the Village's zoning regulations. A build-out analysis, based on the higher proposed residential density, must be included within the Plan, and the subsequent impacts of this increased residential density discussed in the analysis.

**Response to RCDP-1, Comment 1c: See discussion in 1a and 1b above regarding anticipated future density with and without zoning changes. With regard to community services, the Village is currently working on providing an additional connection to Route 45, which is being updated to comply with NYSDOT comments. This additional connection will relieve the primary constraint to moving traffic in and out of the Village. The main constraint to traffic movement within the Village itself is caused by the current single access route. With regard to stormwater, existing and future stormwater is controlled by continued adherence to NYSDEC's stormwater standards. With regard to sewer use, the addition of any new units under the proposed zoning amendment will be covered by the sewer hookup fee for these units (see Comments and Responses to Comments from Rockland County Sewer District for more information). With regard to water and electricity, Suez Water New York Inc. and Orange & Rockland Utility, respectively, have been notified of the proposed zoning changes and are expected to have capacity to service any additional need as it arises. The Village is committed to working with Suez and O&R to ensure the adequate supply of water and electricity.**

2. Projected increases in population will create additional demands on existing infrastructure. These demands will be exacerbated by the increases in allowable residential density proposed by the zoning code amendments. One of the purposes of a Comprehensive Plan is to anticipate, and begin to prepare for, the future needs of a community. A full build-out based on the proposed residential density will likely require additional capacity in stormwater, transportation, and utilities infrastructure. By identifying future deficiencies in capacity, the Village can begin to plan for the investments that will be required. An analysis of existing infrastructure capacity levels must be performed and compared to the demands created by projected population growth and increased residential density.

**Response to RCDP-1, Comment 2: 2. See response 1c.**

3. The proposed Comprehensive Plan, like many others, presents several goals and objectives that act as a guide for future action by the Village. However, the Village is also currently proposing comprehensive amendments to its zoning regulations. This represents an opportunity for the village to incorporate its stated goals into its land use requirements. There are several proposed goals in the comprehensive plan that are not reflected in the proposed zoning regulations. Specifically, the planting of street trees for new developments (p. 4.1), providing and screening garbage enclosures (p. 4.1), and requiring sidewalks with a minimum of five feet for new construction (p. 7.5) are goals that can be written into the formal requirements for new development. Requirements for the above goals must be incorporated into the proposed zoning regulations governing site plan applications, or in some other appropriate section of the regulations. In addition, Section 11 discusses the need for additional outdoor recreational facilities throughout the village. The Village must consider incorporating an open or recreational space requirement for multifamily dwellings to help achieve this goal, as well.

**Response to RCDP-1, Comment 3: The Village will consider how best to codify the goals listed within the Comprehensive Plan during the zoning amendment process. The Village is aware that there are other sections of the Village Code that may also need to be updated. This process will ensure that the zoning (and potential code) amendments are in accordance with the Comprehensive Plan as required by New York State law.**

4. The draft Zoning Map depicts the Residential zoning district as white space. The draft Land Use Map also uses white space to depict vacant land, and the adjacent lands outside of the Village boundary. As a result, it is difficult to distinguish the municipal boundary on both maps. The maps must use colors to depict all zoning districts or land uses, or use a thicker, more visible line to demark the municipal boundary. In addition, the legend for the draft Zoning Map has a typo for the Public zoning district, and is missing the "C" for the commercial district, which must be corrected.

**Response to RCDP-1, Comment 4: A thicker graphic line will be used to depict the Village border. Legend typos will be corrected.**

5. The Land Use Map includes a single category for all residential uses and does not distinguish between single-family, two-family, or multi-family dwellings. The map must provide additional information and differentiate between various residential uses.

**Response to RCDP-1, Comment 5: All kinds of residential dwellings, including multi-family dwellings, are permitted in the Residential District in the proposed Zoning Map and Use Table. Therefore, and in light of the fact that the County already provides mapping distinguishing between different kinds of residential dwellings, it is not necessary that the Land Use Map include this information.**

VILLAGE OF NEW SQUARE- COMPREHENSIVE PLAN (NS-41)

6. The Land Use Map designates several isolated parcels as Neighborhood Shopping. The creation of zoning districts that are comprised of only a single parcel essentially amounts to spot zoning. Although the Village may be motivated to recognize and acknowledge current uses through this designation one of the purposes of a Comprehensive Plan is to guide future development. The Neighborhood Shopping designation should be made based on whether an immediate area is suitable and desirable for the use, not to simply preserve the status quo. If designated as a different zoning district any existing use can continue to operate as a legally non-conforming use. This would not deprive the community of the services provided or the owner from making use of their property but would guide future development in a more carefully planned and consistent manner. The Village must consider amending the proposed zoning map to limit instances of spot zoning.

**Response to RCDP-1, Comment 6: Providing neighborhood shopping primarily for residents in otherwise residential areas is important for the Village's continued growth and prosperity, as it allows residents (almost entirely pedestrians) the ability to shop in a nearby, neighborhood, small-scale setting. Allowing such a use in the specified areas laid out in the proposed Comprehensive Plan and FGEIS has been carefully planned and considered by the Village Board and its consultants. As the proposed Comprehensive Plan specifically includes parcels designated as Neighborhood Shopping, and the proposed zoning accommodates this public use, the zoning will be in accordance with the Comprehensive Plan as required by New York State law to prevent spot zoning. Therefore, this is not an example of spot zoning under New York State law.**

7. The Bus Transportation section discusses the Tappan ZEE Express (TZx) service on page 7.4. The TZx service was replaced by the Hudson Link service approximately one year ago. The Bus Transportation section must be updated.

**Response to RCDP-1, Comment 7: The Comprehensive Plan has been amended to address this concern.**

8. The proposed zoning amendments include a village-wide maximum floor area ratio (FAR) of 100%. The proposed regulations must include a definition of floor area ratio to ensure that it is calculated in a clear and consistent manner. This definition must at a minimum include all finished living space within residential structures, and stipulate whether basements, porches, decks, and similar areas are included in ratio calculation.

**Response to RCDP-1, Comment 8: The Comprehensive Plan has been amended to address this concern.**

9. Page 7.3 mentions County offices in New City, but should be updated to reflect that the majority of County offices are now located at the Health Complex in Pomona.

**Response to RCDP-1, Comment 9: The Comprehensive Plan has been amended to address this concern.**

10. The population projection on page 6.3 does not include any source reference or details about how the estimate was reached. This information must be provided.

**Response to RCDP-1, Comment 10: The Comprehensive Plan has been amended to address this concern.**

11. The discussion of existing gas and electric services on page 8.2 is inadequately brief and does not address the anticipated increase in population and households. Population projections provided in Section 6 of the plan estimate a 32% increase in population from 2016 to 2025. Considering the proposed increase in allowable residential density, it is reasonable to assume the number of households will also increase in a similar fashion, and that actual population growth may exceed the stated projections. Orange and Rockland Utilities has recently needed to upgrade and expand their substation on South Mountain Road. A tripling in populations will impact the demand for both gas and electricity. The proposed zoning amendments and a build-out analysis must be forwarded to Orange and Rockland Utilities for their review to ensure adequate supply will be available to serve the growing populations. Any concerns or comments must be considered.

**Response to RCDP-1, Comment 11: See 1c above.**

12. Goal 3 of the Housing section indicates that new housing is expected to be single family, two family, three family and multifamily. This statement does not articulate any particular goal. In addition, the proposed zoning amendments strongly encourages the development of multifamily housing, not single family structures. This goal must be removed from this section, or a definitive statement as to the desired types and percentage of each unit must be provided.

**Response to RCDP-1, Comment 12: There is no specific “goal” as to dwelling number in the Housing Section, as sections of the Village have and will continue to include mixed housing types. For example, any increased future density in the older, existing built-up sections of the Village will be determined by existing lot size (not all lots currently conform to existing zoning) and family growth dynamics. By comparison, within new areas, two-family attached units or multifamily units will continue to be developed in the pattern set forth in the Bush Lane and Reagan Road subdivision. The Village has no particular desired type or percentage of each unit, but merely wishes that future development conforms to the Comprehensive Plan and associated zoning law and code amendments as much as possible to avoid having to grant an abundance of variances in the future.**

13. The Recreation section must include the goal of encouraging recreational space requirements for all multifamily developments, so that there are adequate and safe designated locations for the Village's children.

**Response to RCDP-1, Comment 13: The Comprehensive Plan has been amended to address this concern.**

14. The Transportation section should specify that access to the County bus system is gained only from stops along Route 45, along the municipal boundary. A review must be made by the Rockland County Department of Transportation to ensure that service can adequately accommodate the projected population increase.

**Response to RCDP-1, Comment 14: The Comprehensive Plan has been amended to address this concern.**

15. Section 7.4 of the proposed zoning code lists requirements for drawings submitted as part of a site plan application. These requirements must include a north arrow, scale, vicinity map, bulk table, and floor area ratio calculations.

**Response to RCDP-1, Comment 15: The Comprehensive Plan has been amended to address this concern..**

16. Section 7.5 of the proposed zoning regulations requires that site plan applications be reviewed in accordance with the New York State Environmental Quality Review Act (SEQRA). SEORA regulations apply to all discretionary decisions, not just site plan applications. The proposed zoning amendments must clarify that SEORA is applicable to all discretionary actions by any land use board.

**Response to RCDP-1, Comment 16: This concern is inherently understood and currently followed by the Boards. However, the proposed zoning code will be amended to make this requirement clear.**

17. Article XI of the proposed zoning regulations must clarify that all discretionary decisions by the Zoning Board of Appeals are also subject to SEQRA regulations.

**Response to RCDP-1, Comment 17: See comment 16, above.**

18. The Subdivision Regulations in the amended zoning text must include a requirement for deeds to be filed with the County Clerk's office so that they are recorded properly.

**Response to RCDP-1, Comment 18: The proposed zoning amendments will be amended to address this concern.**

***The Proposed Zoning Amendments will be amended for this concern.***

19. Landscaped buffers must be required along municipal boundaries for all development since the proposed residential density significantly greater than the existing adjacent municipal uses.

**Response to RCDP-1, Comment 19: There is no need for buffers along each municipal boundary based upon existing conditions:**

- ***The southern border and most of the western border of the Village are already built-out and therefore no buffer is needed, as the higher residential density is preexisting.***

- *The eastern border is also largely built out and borders the Bear Mountain Parkway woodlands or the decommissioned school property now owned and used by the Village. Therefore, the density is also preexisting in this area and the woodlands and school property both provide an existing vegetative and/or unused open space buffer as well.*
- *The northern and most of the northeastern border of the Bush Lane Reagan Road subdivision already has setback buffers in place, so no additional buffers are needed.*
- *The northwestern border will be internally developed and views from Route 45 will thus be limited.*

20. The Village must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of September 23, 2019.

**Response to RCDP-1, Comment 20: Please see responses to their letter in the FGEIS.**

21. As previously mentioned, the proposed zoning amendments will have the general effect of increasing residential density throughout the Village. The adjacent municipalities of the Town of Ramapo, the Town of Clarkstown, and the Village of New Hempstead must be given the opportunity to review the proposed amendments and their comments considered.

**Response to RCDP-1, Comment 21: Adjacent municipalities and the Towns of Ramapo and Clarkstown have been notified of the proposed zoning amendments. Their comments have been considered.**

22. A review of the proposed zoning amendments shall be completed by the New York State Department of Transportation and their comments considered.

**Response to RCDP-1, Comment 22: The NYSDOT has been notified of the proposed zoning amendments. They have not made any comments.**

23. A review of the proposed zoning amendments must be completed by the Palisades Interstate Park . Commission and their comments considered.

**Response to RCDP-1, Comment 23: The Palisades Interstate Parks Commission has been notified of the proposed zoning amendments. They have not made any comments.**

24. The proposed zoning amendments must be reviewed by the Hillcrest Fire Department to ensure that any issues that could arise with the increase in residential density, such as the spacing of buildings and adequacy of water pressure, are properly addressed prior to the need.

**Response to RCDP-1, Comment 24: The Hillcrest Fire Department has been notified of the proposed zoning amendments. They have not made any comments.**

25. A review must be made by the Rockland County Department of Highways since the projected population increase will increase congestion along New Hempstead Road, a County highway, and their comments considered.

**Response to RCDP-1, Comment 25: The Town of Ramapo Highway Department has been notified of the proposed zoning amendments. They have not made any comments.**

26. Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

**Response to RCDP-1, Comment 26: Comment noted.**

27. In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the

**Response to RCDP-1, Comment 27: Comment noted.**

Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the

stated reasons for the land use board's override.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Israel Spitzer, New Square  
New York State Department of Transportation

**VILLAGE OF NEW SQUARE- COMP.REHENSIVE PLAN (NS-41)**

- Palisades Interstate Park Commission
- Rockland County Sewer District #1
- Rockland County Department of Health
- Orange and Rockland Utilities
- SUEZ
- Hillcrest Fire District
- Rockland County Department of Public Transportation
- Rockland County Department of Highways
- Tim Miller Associates, Inc.
- Village of New Hempstead Planning Board
- Town of Ramapo Planning Board
- Town of Clarkstown Planning Board

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of the agency to act contrary to the above findings. The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York State Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to tender such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law § 2-101(3), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation or modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*



# Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING  
Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building T  
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Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuet  
Acting Commissioner

Arlene R. Miller  
Deputy Commissioner

October 18, 2019

Mayor Israel Spitzer  
Village of New Square  
37 Reagan Road  
New Square, NY 10977

RE: Comprehensive Plan, Land Use Plan, Zoning and Zoning Map Amendments –  
Draft Generic Environmental Impact Statement

To Mayor Spitzer 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 Generic Environmental Impact Statement (DGEIS) for the Comprehensive Plan, Land Use Plan, Zoning and Zoning Map dated August 2019. After a review of the document, we have the following comments:

1. Several sections of the DGEIS state that the proposed amendments to the Zoning Code and Zone Map will not increase the permitted density of future developments, and thus, no mitigation measures are required. This statement is included in the discussions of water supply (p. 2.7-1), wastewater treatment (p. 2.7-1), growth inducing impacts (p. 7-1), and energy use (p. 8-1). The County strongly disagrees with this statement. The proposed zoning amendments allow for a substantially higher residential development than what is allowed by the current regulations.

**Response to RCDP - 2, Comment 1a: See RCPD-1, 1a**

The proposed Residential zoning district requires a minimum lot size of 3,500 square feet for zero lot line two-family dwellings and 7,000 square feet for a four-unit multifamily dwelling. This results in a residential density of 24.9 units per acre. In addition, each multifamily dwelling unit in excess of four units may require as little as 1,000 square feet in lot area, which adds additional units at a rate of 43.6 units per acre. By comparison, the existing R-1 zoning district requires 10,000 square feet for a two-family residence, which is a residential density of 8.7 units per acre. Other existing residential zoning districts have similar bulk requirements to what is currently proposed, with some requirements being more restrictive and others being less restrictive. However, the existing R-1 zoning district occupies roughly 40% of the

village. Approximately tripling the allowed residential density will have substantial impacts on the above-mentioned areas of concern.

***Response to RCDP - 2, Comment 1b: See RCPD-1, 1b***

The purpose of a generic environmental impact statement as opposed to a site-specific DEIS, is to consider the broader and more general impacts of an action or group of actions. Although the proposed zoning amendments will not create environmental impacts in and of themselves, the DGEIS must examine the broader implications and impacts that are likely to arise as a result of them. The proposed zoning amendments will certainly result in an increase of residential density throughout the village, particularly within the current R-1 zoning district. The DOBIS must be amended to account for these impacts.

***Response to RCDP - 2, Comment 1c: See RCPD-1, 1c. The DGEIS/FGEIS examines the broader implications and impacts from the increase in allowable residential density throughout the Village while also taking into account the fact that this increased residential density already exists within the Village as a result of the variance history.***

2. Projected increases in population will create additional demands on existing infrastructure. These demands will be exacerbated by the increases in allowable residential density proposed by the zoning code amendments. One of the purposes of a Comprehensive Plan is to anticipate, and begin to prepare for, the future needs of a community. A full build-out based on the proposed residential density will likely require additional capacity in stormwater, transportation, and utilities infrastructure. By identifying future deficiencies in capacity, the Village can begin to plan for the investments that will be required. An analysis of existing infrastructure capacity levels must be performed and compared to the demands created by projected population growth and increased residential density.

***Response to RCDP - 2, Comment 2: See RCPD-1, 1c***

3. Section 2.1.2-3 states that no mitigation is proposed for the land use impacts of the proposed actions. As previously mentioned, the proposed zoning amendments will result in a substantial increase in residential density. The impacts of this increase must be assessed and mitigation measures, such as buffer requirements, impervious coverage limits, and maximum units per acre ratios, must be proposed.

***Response to RCDP - 2, Comment 3: See above responses.***

4. The draft Zoning Map depicts the Residential zoning district as white space. The draft Land Use Map also uses white space to depict vacant land, and the adjacent lands outside of the Village boundary. As a result, it is difficult to distinguish the municipal boundary on both maps. The maps must use colors to depict all zoning districts or land uses, or use a thicker, more visible line to demark the municipal boundary. In addition, the legend for the draft Zoning Map has a typo for the Public zoning district and is missing the "C" for the commercial district, which must be corrected.

***Response to RCDP - 2, Comment 4: See RCPD 1, 4***

5. Section 2.4.2 states that population growth within the Village will exceed growth in the County. Requiring buffer areas along municipal boundaries must be included as a mitigation measure of this impact.

**Response to RCDP - 2, Comment 5: See RCDP-1, Comment 19**

6. Section 2.5-3 must assess the adequacy of water pressure supply for fire-fighting purposes in relation to the predicted increases in population and residential unit.

**Response to RCDP - 2, Comment 6: SUEZ Water New York, Inc., has been contacted regarding water supply and has indicated that sufficient pressure will exist and that Suez follows NYSDEC regulations for multipliers.**

7. Section 2.5-3 indicates that an additional 2.4 fire personnel will be required to accommodate anticipated growth, and that additional tax revenue can augment the Hillcrest Fire Company's capabilities. The DGEIS must recognize that the Hillcrest Fire Company is comprised of volunteers, and additional revenue will not be able to secure additional personnel.

**Response to RCDP - 2, Comment 7: The DGEIS has been amended to address this concern.**

8. Section 2.5-4 states the closest hospital to the Village is Orange Regional Medical Center in Orange County, and lists other medical facilities in Orange County as nearby. Good Samaritan Hospital is substantially closer than any Orange County medical facility. This section must be corrected.

**Response to RCDP - 2, Comment 8: The DGEIS has been amended to address this concern.**

9. References to the Tappan Zee Bridge in section 2.6-1 must be replaced with the Mario M. Cuomo Bridge.

**Response to RCDP - 2, Comment 9: The DGEIS has been amended to address this concern.**

10. Section 2.7 (Utilities) must include a discussion of the existing electricity supply, future demand, infrastructure capacity, and mitigation measures.

**Response to RCDP - 2, Comment 10: Orange & Rockland Utility has been notified of the Comprehensive Plan, DGEIS, and proposed zoning amendments. They have submitted no concerns regarding electricity supply. O&R Utility lines run through the Village and, while once overhead, have been put underground at the Village's request.**

11. Section 4.0 states that the proposed actions, including the amended zoning code and map, provide guidance and have no direct unavoidable environmental impacts. The revised zoning code and map do not merely provide guidance. They dictate the manner of future land development in the Village and, as such, do result in environmental impacts. As previously stated, the changes in allowed residential density will have substantial impacts on traffic, drainage, utilities, storm water runoff, and population growth. These impacts must be assessed.

**Response to RCDP - 2, Comment 11: See above responses.**

12. Section 5.0 does not address any alternative scenarios other than the "No Action" alternative. Alternative measures, such as the creation of a less dense, predominantly single-family zoning district in areas of the existing R-I zoning district, must be considered.

***Response to RCDP - 2, Comment 12: Taking into account the existing growth rate of the Village, there are no other alternative scenarios that the Village deems acceptable or reasonable to provide for the future growth of this religious community. As the Comprehensive Plan is the document by which the Village sets its own planning policy, goals, and objectives, and SEQRA only requires that "reasonable" alternatives be considered in the GEIS process, alternative scenarios other than the "No Action" alternative were not considered.***

Thank you for giving us the opportunity to review the Draft Generic Environmental Impact Statement for the New Square Comprehensive Plan, Land Use Plan, Zoning and Zoning Map.

Very truly yours,

Acting Commissioner

C: New York State Department of Transportation  
 Rockland County Sewer District #1  
 Rockland County Department of Public Transportation  
 Rockland County Department of Health  
 Rockland County Drainage Agency  
 Rockland County Highway Department  
 Orange & Rockland  
 SUEZ New York  
 Palisades Interstate Park Commission  
 Town of Clarkstown Planning Board  
 Town of Ramapo Planning Board  
 Village of New Hempstead Planning Board

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Comprehensive Plan, Land Use Plan, Zoning and Zoning Map - Draft Generic Environmental Impact Statement



# Rockland County

Ed Day, Rockland County Executive

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## ROCKLAND COUNTY SEWER DISTRICT #1

4 Route

340

Orangeburg, New York

10962

Phone: (845) 365-6111 Fax: (845) 365-6686

RC5D@co.rockland.ny.u

s

George Hoehmann,

*Chairman*

Dianne T. Philipps, P.E., *Executive Director*

September 23, 2019

Mr. David Breuer  
Village Clerk-Village of New Square  
37 Reagan Road  
New Square, NY 10977

Re: Draft Generic Environmental Impact Statement (DGEIS)  
Preparation of Comprehensive Plan and Land Use Map  
Changes to Zoning Code and Zoning Map

Dear Mr. Breuer:

Our office has received a Notice of Public Hearing dated August 12, 2019 for the Village Board meeting on September 25, 2019 to review the DGEIS dated August 2019, the Comprehensive Plan dated August 2019, and the proposed Zoning Code and Zoning Map, which we downloaded from the Village consultant's website. We thank you for the notice to comment on these subjects for the public hearing. Our comments are as follows:

1. Section 2.76 (Mitigation Measures-Wastewater) on Page 2.7-2 of the DGEIS states, "The zoning amendments, in and of themselves, do not increase or decrease the permitted density of future development." However, the new Zoning Code specifies a minimum lot area of 5,000 square feet for single and 2-family residences, whereas the 2007 Code specifies 7,500 square feet (HDR District) to 8,400 square feet (LDR District) and the 1967 Code specifies 8,000 square feet (R-2 & C-2 Districts) to 10,000 square feet (R-1 District).

### **Response to RCSD, Comment 1: Comment Noted**

- a. For revisions to the Zoning Code that result in sewer units above that in which development by right under the original zoning regulations would result, an impact fee will be required in accordance with Sections 502A and 1317 of the Rockland County *Sewer Use Law* as last amended in 2010.

**Response to RCSD, Comment 1a: Comment noted.**

- b. If a land use approval by the Village Board, Planning Board, Zoning Board of Appeals (ZBA), or Building Department will result in additional sewer units because of revisions to the Zoning Code, the applicant will have to submit a check in the amount of one thousand eight hundred fifty dollars (\$1,850.00) or as last amended per additional unit payable to Rockland County Sewer District No. 1 within thirty (30) days of approval.

**Response to RCSD, Comment 1b: Impact fees, when required, will be paid to the Rockland County Sewer District 1 by the applicant.**

- c. If the use or occupancy of a property exceeds the number of units for which a project sponsor applied (e.g., with accessory units, a house of worship, a school, a daycare center, or home occupations), the owner will have to pay an additional impact fee.

**Response to RCSD, Comment 1c: Comment noted.**

- d. We request that payment of impact fees be made to the District before the structures are connected to the sewerage system.

**Response to RCSD, Comment 1d: Comment noted.**

- e. We request that the Village Board, Planning Board, ZBA or Building Department notify the District upon approval of applications that require payment of impact fees.

**Response to RCSD, Comment 1e: The Village will notify the District of approved developments.**

2. Page 1.1 of the Comprehensive Plan states, "In updating the Zoning Code many existing structures that required variances, though not all, will be brought into conformance with current zoning. This update will eliminate the need for variances which have become routine over time."

**Response to RCSD, Comment 2: Comment noted**

- a. The elimination of applications to the ZBA for variances will reduce the overall number of land use applications to the District for technical review.

**Response to RCSD, Comment 2a: Comment noted. The reduction in required reviews will have a beneficial impact on conserving human resources at the Village level as well.**

- b. Chapter 8 (Utilities) on Page 8.2 of the Comprehensive Plan states, "Communicate growth projections to sewer district, RCSD #1, to assist in planning for adequate future sewer capacity for the Village."

**Response to RCSD, Comment 2b: The Village is committed on having an open dialogue with the District as communication will be beneficial for all parties.**

- c. Chapter 13 (Implementation) on Page 13.2 of the Comprehensive Plan states, "The goals listed here involve good communication with the relevant utilities. It would be prudent to assure Town and County representatives are aware of future Village water and sewer needs, and electric and gas needs."

**Response to RCSD, Comment 2c: See 2b above.**

- d. We ask that the Building Department maintain good communication with the District and provide us with a list of building permits monthly so we can request and review site plans that no longer require ZBA approval because of the new Zoning Code.

**Response to RCSD, Comment 2d: The Building Department will be made aware of the Districts' request for building permits monthly.**

- e. We ask that the Building Department maintain good communication with the District and provide us with a list of sewer connections monthly.

**Response to RCSD, Comment 2e: The Building Department will be made aware of the Districts' request for a list of sewer connections monthly.**

3. The United States Environmental Protection Agency (EPA) has designated some lots in the Village of New Square as Environmentally Sensitive Areas (ESAs). If a lot that is an ESA, a portion of an ESA lot, or merged with an ESA lot applies to connect to public sewers, the following requirements apply:

**Response to RCSD, Comment 3: Comment noted**

- a. Prior to connecting any building to sanitary sewers, the developer must obtain a waiver of the EPA's grant condition, which restricts sewer connections from ESA lots. Any sewer application for these parcels cannot be approved until the EPA and New York State Department of Environmental Conservation (DEC) approve the waiver.

**Response to RCSD, Comment 3a: Comment noted**

- b. An ESA waiver request must be submitted to this office **along with the correct number of plans and narratives** as indicated below. The District cannot forward an ESA waiver request to the EPA and DEC until **four (4)** copies of the information outlined below are submitted to this office:

**Response to RCSD, Comment 3b: Comment noted regarding required submissions for a specific application.**

- i. **PROJECT PLANS:** Please provide a detailed site plan of the existing and proposed topography, drainage, soils, etc., and other features of the site.
- ii. **ESA BOUNDARY DELINEATION:** Please provide a precise delineation of the ESA boundary on the same scale as the aforementioned site plan. Also, provide a brief written report that delineates the boundaries of both the wetland and the 100-year flood plain boundaries.

iii. **EROSION AND SEDIMENTATION CONTROL (E&SC) PLANS:** Please provide a complete erosion and sediment control plan for the entire site to protect the ESA wetland and floodplain both during and after construction (include standard notes and details).

IV. **ESA CHARACTERIZATION AND EVALUATION:** Please describe the current wetland features of the ESA wetland areas on the site in terms of the following parameters: acreage, flora, fauna, wildlife habitat, soils, rock, flood control, and the surrounding setting. Please also evaluate the wetland values in accordance with the latest available U.S. Army Corps of Engineers Wetland Evaluation Manual. Also, please quantify the floodplain characteristics and evaluate the effects of your project on it.

v. **EFFECTS OF MODIFICATIONS:** Please explain how the proposed site disturbances would affect the site features and values discussed in response to Item 4 above.

vi. **ESA MITIGATION:** Please provide a detailed narrative discussion of your proposed mitigation plan in order to comply with the standards for waiver approval listed below. As necessary, the plan should include the creation of new wetland acreage of, at a minimum, equal size and value to that which would be lost.

vii. **STANDARDS FOR WAIVER APPROVAL:** The standards applied by the EPA and DEC for ESA Waiver Approval are similar to the DEC standards for a Freshwater Wetland Permit. There will be a sufficient demonstration of:

- (1) no net loss of wetland acreage or wetland values;
- (2) no reasonable non-wetland alternate locations existing on the site for this development;
- (3) minimization of loss of wetland and wetland values;
- (4) mitigation of any loss of wetland acreage or wetland values;
- (5) no appreciable increase in turbidity or sedimentation in the wetland or any watercourses above background levels; and
- (6) no net increase in downstream flooding during storm events.

c. The *Procedural Rules for Working on Rockland County Sewer District No. 1 Sewers* impose a fee of three hundred fifty dollars (\$350.00) to process an application for an ESA waiver.

**Response to RCSD, Comment 3c: Comment noted regarding required fee to process an ESA waiver.**

d. Once the above requirements have been met, our office will forward the required information to the EPA and DEC. It should be noted that three (3) of the four (4) sets as requested above are required for EPA and DEC purposes.

**Response to RCSD, Comment 3d: Comment noted regarding internal processing.**

4. Page 2.1-1 of the DGEIS and Page 3.1 of the Comprehensive Plan state, "There are some small businesses in homes."

**Response to RCSD, Comment 4: Comment noted**



5. Page 2.1-1 of the DGEIS and Page 3.2 of the Comprehensive Plan refer to a new supermarket with small businesses on the second floor at the bend in Mezritch Road.

**Response to RCSD, Comment 5: Comment noted**

6. The new Zoning Code establishes three (3) explicitly non-residential zoning districts: P (Public), NS (Neighborhood Shopping) and C (Commercial).

**Response to RCSD, Comment 6: Comment noted**

7. For non-residential projects and the non-residential use of property like the above referenced small businesses in homes, Rockland County Sewer District No. 1's "Commercial/Non-residential Wastewater Questionnaire" and the County Planning Information Certification (attached) must be submitted to and approved by this office before any sewage is discharged into the District's sewerage system. **The owner must sign the wastewater questionnaire.**

**Response to RCSD, Comment 7: Applicants will be required to comply with all requirements of Town, County and State regulations.**

8. We request that the Village Board notify the District upon adoption of the Comprehensive Plan and Zoning Code, and provide us with an updated zoning map and code.

**Response to RCSD, Comment 8: The District will be notified when a Comprehensive Plan and Zoning Code have been adopted. An updated Zoning Code and map will be provided to the District.**

Please inform us of all developments pertaining to this proposed action. If you have any questions, please contact this office at 845-365-6111.

Very truly yours,

Joseph LaFiandra  
Engineer II

Attachment

s

cc: D. Philipps                      M. Saber                      D. Gregory                      J.  
Roth Helen Kenny-Burrows-Rockland County Department of  
Planning Elizabeth Mello, P.E.-Rockland County Department of  
Health  
Christopher Kear-Rockland County Department of Fire & Emergency Services  
Shajan Thottakara, P.E.-Rockland County Drainage Agency  
Dyan Rajasingharn-Rockland County Highway Department  
Alfred A. Fusco, Jr., P.E.-Fusco Engineering & Land Surveying P.C., 233 East Main  
Street, Middletown, NY 10940  
Nikolaus Wirth-USEPA, 290 Broadway, 25th Floor, New York, NY 10007-1866

Michael Sadowski, P.E.-Town of Ramapo DPW  
Stephen Lopez, AICP -Tim Miller Associates, 10 North Street, Cold Spring, NY 10516

File: Village of New Square  
Impact Fees  
Reader

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# Rockland County

## HEALTH

CENTER FOR ENVIRONMENTAL HEALTH  
Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building D  
Pomona, New York 10970  
Phone: (845) 364-2608 Fax: (845) 364-2025



**Public Health**  
Prevent. Promote. Protect.

EDWIN J. DAY  
County Executive

PATRICIAS. RUPPERT, DO, MPH, CPE, DABFM, FAAFP  
Commissioner of Health

SAMUEL RULLI, PE  
Director, Environmental Health

September 25, 2019

Mr. David Breuer, Village Clerk  
Village of New Square  
37 Reagan Road  
New Square, NY 10977

Re: Draft Generic Environmental Impact Statement  
Comprehensive Plan, Land Use Plan, Zoning and Zoning Map

Dear Mr. Breuer:

This office has reviewed the Draft Generic Environmental Impact Statement and Draft Comprehensive Plan. As there are no quantifiable zoning density increases or detailed development projects discussed in the documents, we do not have specific comments relating to required permits/approvals as this time. Potential impacts on existing infrastructure, specifically impacts on the public water supply system and sanitary sewer system, need to be continually monitored and will be evaluated on an individual project specific basis.

This office may have additional comments upon receipt of future submissions.

Should you have any questions pertaining to this matter, please do not hesitate to contact me.

**Response to RCCE, Comment 1: Thank you for your comments. Please see responses RCPD-1, 1a, 1b, 1c. The Village will notify the Center for Environmental Health when site specific applications are being reviewed.**

Elizabeth Mello, P.E.  
Senior Public Health Engineer  
(845) 364-2616

cc: Arlene Miller, RC Department of Planning  
Stephen Lopez, Tim Miller Associates Inc.  
Joseph LaFiandra, RCSD No. 1

Town of Clarkstown  
DEPARTMENT OF PLANNING

Joseph C. SIMON, PRINCIPAL PLANNER  
JAMES CREIGHTON, SENIOR PLANNER  
10 Maple Avenue  
New City, New York 10951-5011  
Tel: (845) 639-2070  
Fax: (845) 639-2071  
planning@clarkstown.org



TOWN OF CLARKSTOWN  
PLANNING BOARD

GUNERT, HEIM, CHAI  
RUOOU, HJ, YAN, VICE CHAIRMAN  
PETER E. STREITZ, MEMBER  
ERWARI, GUARARO, JR., MEMBER  
PHILIP J. DEGAETANO, MEMBER  
DOUGLAS B. KATZ, MEMBER  
EDWARD B. ROUNO, MEMBER

September 23, 2019

Village of New Square Village Hall  
37 Reagan Road  
New Square, NY 10977

To Whom It May Concern:

The Town of Clarkstown Planning Board is in receipt of your request for comments regarding the Draft New Square Comprehensive Plan, DGEIS and Draft Zoning changes, dated September 3, 2019. Please accept the following as the comments of the Town of Clarkstown on these documents:

Our primary comment on the DGEIS is that it fails to recognize the increased development potential posed by the creation of the proposed new "R" zoning district. This new district, which is proposed to encompass the majority of the Village, combines the existing six residential zoning districts, ranging from one and two-family homes to multi-family housing densities, into a single zone that allows for multi-family residential density throughout the district. The result will be significantly higher development densities than the pre-existing residential zoning districts. However, the DGEIS states that "no significant changes to the likely development scenario under the current zoning are anticipated," while these changes are stated as being those which "reflect the most common variances granted, thereby alleviating the Zoning Board's burden," the DGEIS must take into account the impact of the proposed new permissible density, which would be allowed without the need for variances. As such, the DGEIS must recognize this increase, adequately explore potential impacts, and assign mitigating measures to these impacts.

**Response to TC, Comment 1: Comments noted. See response to RCDP-1, 1a, 1b, 1c and RCDP-2, 1c.**

We do not find that the mitigating measures proposed in the DGEIS properly address the potential impacts of increased development within the Village. Of particular concern are impacts upon utility resources shared by the County as a whole. The Rockland County Planning Department continues to reinforce the fact that water is scarce resource in Rockland County, yet no concise mitigation is proposed for an increase in water demand, as the DGEIS falls back on the aforementioned statement that the adoption of the proposed Comprehensive Plan and revised Zoning Code and Map "will not affect the rate of growth in New Square," while the Draft Comprehensive Plan states that "growth of the Village population is anticipated to continue at a rate higher than the County growth as a whole." Additionally, the Comprehensive Plan similarly lists as a "Goal" under the Water Supply section to "communicate growth projections to the water utility company, SUEZ, to assist in planning for a steady and reliable water source of water [sic] for the Village." This is but one example of the contradictory nature of these draft documents, which should be revised to include proper mitigating measures for the stated anticipated growth of the Village of New Square.

**Response to TC, Comment 2: Comments noted. See response to RCDP-1, 1a, 1b, 1c and RCDP-2, 1c. As noted by the Town of Clarkstown itself in this comment, while the Village fully realizes that the**

*Village will grow in population at a rate higher than the County growth as a whole, the adoption of the Comprehensive Plan and revised Zoning Code and Map will not cause nor affect this rate of growth. As stated previously, the Village is committed to working with Suez to ensure the adequate supply of water. The adoption of these documents does not change that position.*

Actions which accommodate additional growth in any municipality of Rockland County have repercussions for all municipalities in Rockland. While we understand that growth within the community is to be expected, the SEQRA process must be followed in order to accommodate the impacts of municipal plans and actions. In this case, the documents must recognize the increased development potential associated with the proposed rezoning and its related impacts, and provide proper mitigation as required under SEQRA.

***Response to TC, Comment 3: Comments noted. See response to RCDP-1, 1a, 1b, 1c, 6, and 7; RCDP-2, 1c and 12; and response to TC, Comment 2. SEQRA has been and will continued to be adhered to at all points during this process, from scoping until the adoption of the FGEIS.***

I thank you for giving the Planning Board the opportunity to review these materials.

Sincerely,

Gilbert J. Helm, Chairman  
Town of Clarkstown Planning Board

cc: Supervisor George Hoehmann  
Clarkstown Town Board  
Douglas J. Schuetz, Acting Commissioner, Rockland County Planning Department  
Basil Seggos, Commissioner, NYS Department of Environmental Conservation  
David Carlucci, NYS Senator, 38<sup>h</sup> District  
James Skoufis, NYS Senator, 39<sup>th</sup> District  
Kenneth Zebrowski, NYS Assemblyman, Assembly District 96



# Rockland County

Ed Day, Rockland County Executive

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## ROCKLAND COUNTY SEWER DISTRICT NO. 1

4 Route 340

Orangeburg, New York 10962

Phone: (845) 365-6111 Fax: (845) 365-6686

RCSD@co.rockland.ny.us

**George Hoehmann**  
Chairman

**Dianne T. Philipps, P.E.**  
Executive Director

December 20, 2019

Mr. David Breuer  
Village Clerk-Village of New Square  
37 Reagan Road  
New Square, NY 10977

Re: Final Generic Environmental Impact Statement (FGEIS)  
Preparation of Comprehensive Plan and Land Use Map  
Changes to Zoning Code and Zoning Map

Dear Mr. Breuer:

Our office has received and reviewed a Notice of Completion of Final EIS dated December 10, 2019 and the FGEIS dated November 2019, which we downloaded from the Village consultant's website. We thank you for the opportunity to comment on the FGEIS. Our comments are as follows:

1. The section entitled "Countywide Resources" on page 2 of the FGEIS includes the statement, "it is important to recognize that in many ways the Village is a much lower consumer of scarce resources per capita than the average Rockland County resident," followed by general comments in support of the statement.
  - a. The consultant should support the statement with statistical data and appropriate breadth of scope to objectively quantify the difference in the use of resources between Village residents and the average County resident.

**Response to RCSD, Comment 1: Please refer to pages 7.1 and 7.2 of the Comprehensive Plan which presents transportation data supportive of the statement.**

2. The section entitled "Countywide Resources" on page 2 of the FGEIS includes the sentence, "Expansion of sewer facilities due to higher densities than those in effect prior to the proposed zoning changes will be financed by an \$1800 fee per residential unit in excess of the previously allowable number of units."
  - a. The District's impact fee is one thousand eight hundred fifty dollars (\$1,850.00) per additional unit, not \$1800.

**Response to RCSD, Comment 2a: The impact fee has been corrected.**

b. The impact fee for additional units is regardless of land use, not only residential.

**Response to RCSD, Comment 2b:** *The applicability of the impact fee to all land uses has been corrected.*

c. Please have the consultant correct the impact fee and delete the word "residential".

**Response to RCSD, Comment 2c:** *See responses to comments 2 and 3 above.*

**Rocklandgov.com**

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3. The District concurs with the responses in the FGEIS to our comments dated September 23, 2019 regarding the Draft Generic Environmental Impact Statement.

**Response to RCSD, Comment 5: Comment noted.**

Please inform us of all developments pertaining to this proposed action. If you have any questions, please contact this office at 845-365-6111.

Very truly yours,



Joseph LaFiandra  
Engineer II

cc: D. Philipps            M. Saber            D. Gregory  
Helen Kenny-Burrows-Rockland County Department of Planning  
Elizabeth Mello, P.E. – Rockland County Department of Health  
Christopher Kear-Rockland County Department of Fire & Emergency Services  
Shajan Thottakara, P.E.-Rockland County Drainage Agency  
Dyan Rajasingham-Rockland County Highway Department  
Michael Sadowski, P.E.-Town of Ramapo DPW  
Stephen Lopez, AICP Tim Miller Associates, 10 North Street, Cold Spring, NY 10516

File: Village of New Square  
Impact Fees  
Reader



Village of New Square Trustees  
Mayor Israel Spitzer  
Village Hall  
37 Regan Road  
New Square, NY 10977

Fed-Ex

December 18, 2019

Dear Sirs:

This letter is in response to the draft Village of New Square Comprehensive Plan (the "Plan") dated August 2019. As you are aware, such Plan contains several references to Refuah Health Center, Inc. most notably in Section 10, entitled "Health and Education." This section contains inaccuracies regarding Refuah Health Center and its services. Specifically, the statement that Refuah provides "limited health care", while admittedly subjective, is misleading and not reflective of the robust health and wellness opportunities available to our citizens. Refuah is a comprehensive provider of primary and specialty care, employing over 191 FTE providers, in over 20 specialties. Refuah offers extensive office and walk-in hours, with appointments being available from 7:00am until 1:00am and a 24 hour call-center. Moreover, Refuah is not a "medical group practice", but is a licensed healthcare facility under Article 28 of the New York State Public Health Law and is a federally-qualified health center operating under the auspices of the federal Health Resources & Services Administration.

***Response to RHC, Comment 1: The description of health services provided by Refuah Health Center has been modified in the Comprehensive Plan to include the services listed above.***

Providing the public with a clear description of Refuah's capabilities should be a priority of the Village so that we can mutually care for the health and well-being of the community. In 2019, approximately 95% of the Village population, accessed care at Refuah. Refuah is equipped to provide more than mere doctor's visits- we are a key resource for our patients to navigate the full spectrum of care. We have an extensive referral network to specialty providers and in-patient facilities in Rockland, Westchester, and New York City. Refuah maintains collaborative affiliations with key hospitals in and around New York City, and arranges for specialists from Columbia, NYU, Mt. Sinai and Boston Children 's to see patients here in New Square. Moreover, Refuah is a key player in the state's initiative to reduce unnecessary hospitalizations.

***Response to RHC, Comment 2: The description of the population taking advantage of health services provided by Refuah Health Center has been modified in the Comprehensive Plan to include the above description.***



*the care you want*  
RefuahHealth.org

The inaccurate description in the Plan of Refuah's scope of services is misleading to the public and disservice to the citizens of New Square, as it implies that local high-quality and robust outpatient care is inaccessible to area residents. To this end, Refuah respectfully requests that the Village undertakes to promptly amend the Plan in order to include a full and accurate description of the healthcare services available to New Square residents from Refuah and to desist in the final approval and adoption of the Plan until such changes are made. Further, we would request the opportunity to review the amended version prior to its submission.

***Response to RHC, Comment 3: Refuah Health Center will be notified of any changes in the Comprehensive Plan to include above concerns.***

*New Square Site*  
728 North Main Street  
Spring Valley, NY 10977

Tel: 845.354.9300

*Living Site*  
5 Twin Avenue  
Spring Valley, NY 10977

Tel: 845.354.9300

*Suffern Site*  
100 Rt. 59-Suite 105  
Suffern, NY 10901

Tel: 845.354.9300

*South Fallsburg Site*  
36 Laurel Avenue  
South Fallsburg, NY 12779

Tel: 845.482.9394

Additionally, we note that the "Introduction" section of the Plan states that "The Rafuah (*sic*) Health Center shuttle is used by many for inner Village transport although the service was not designed for this." The Refuah shuttle is intended solely to transport Refuah patients to and from their medical appointments, and related healthcare services (e.g. pharmacy). While the nature of operating such a service leaves it open to potential abuse -- it is not feasible to entirely prevent non-patients from using the shuttle for unintended purposes-Refuah takes issue with the Village publicly announcing that its shuttle provides general transportation for New Square. It is the responsibility of the Village to arrange for adequate public transportation options, rather than implicitly encourage residents to ride the Refuah shuttle. To this end, Refuah strongly encourages the Village to take steps to improve access to public transportation so that the Refuah shuttle can operate for the benefit of our patients.

**Response to RHC, Comment 4: The description of health services provided by Refuah Health Center has been modified in the Comprehensive Plan to include the services listed above.**

Finally, Refuah notes that a public comment opportunity was held on September 25, 2019 with respect to the Plan, however, at no point did Refuah receive any advance notice of the Plan or the public hearing. Going forward, we would request that the Village give Refuah proper notice and opportunity to comment on any public document that references the Health Center. This will ensure accuracy and enable us to better work collaboratively.

**Response to RHC, Comment 5: Refuah Health Center will be notified of any future Village plans that may impact the facility or its operation.**

We look forward to your prompt attention to this matter. If you require additional details or would like further clarification regarding Refuah's scope and capabilities, we would be happy to meet with the Village to discuss this matter further.

Board of Directors  
Refuah Health Center, Inc.



# Rockland County

HEALTH

CENTER FOR ENVIRONMENTAL HEALTH

Dr. Robert L. Yeager Health Center  
50 Sanatorium Road, Building D  
Pomona, New York 10970  
Phone: (845) 364-2608 Fax: (845) 364-2025



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EDWIN J. DAY  
County Executive

PATRICIA S. RUPPERT, DO, MPH, CPE, DABFM, FAAFP  
Commissioner of Health

SAMUEL RULLI, PE  
Director, Environmental Health

December 20, 2019

Mr. David Breuer, Village Clerk  
Village of New Square  
37 Reagan Road  
New Square, NY 10977

Re: Draft / Final Generic Environmental Impact Statement  
Comprehensive Plan, Land Use Plan, Zoning and Zoning Map

Dear Mr. Breuer:

This office has reviewed the Final Generic Environmental Impact Statement, the Comprehensive Plan dated December 2019 and the Draft Local Law No. 1. As there are no quantifiable zoning density increases or detailed development projects discussed in the documents, we do not have specific comments relating to required permits/approvals as this time. This department requests to be copied on all Site Plan applications submitted to the Planning Board for permitted principal and special permit uses, with the exception of single and two family homes, as required in Article 7, Site Plan Regulations of the Local Law No. 1. Potential impacts on existing infrastructure, specifically impacts on the public water supply system and sanitary sewer system, need to be continually monitored and will be evaluated on an individual project specific basis.

**Response to RCEH, Comment 1: Thank you for your comments. The Rockland County Center For Environmental Health will be copied on all Site Plan Applications.**

Should you have any questions pertaining to this matter, please do not hesitate to contact me.

Elizabeth Mello, P.E.  
Senior Public Health Engineer  
(845) 364-2616

cc: Arlene Miller, RC Department of Planning  
Stephen Lopez, Tim Miller Associates Inc.  
Joseph LaFiandra, RCSD No. 1

## Appendix A: References

FGEIS Village of New Square  
Comprehensive Plan, Land Use Plan, Zoning and Zoning Map

## **References:**

Village of New Square, Comprehensive Plan, August 2019  
(Including)

- Land Use Map, Draft, August 19, 2019
- Zoning Map, Draft, August 19, 2019

Village of New Square, Proposed 2019 Zoning  
(Including)

- Table of Use Regulations, Draft, August 19, 2019
- Table of Bulk Regulations, Draft, August 19, 2019

Note: These documents are on file at the Village of New Square Village Hall and on the Tim Miller Associates, Inc. website at: [timmillerassociates.com](http://timmillerassociates.com)

Appendix B: SEQR Documents  
(By Reference)

FGEIS Village of New Square  
Comprehensive Plan, Land Use Plan, Zoning and Zoning Map

## **SEQR Documents:**

### (As Listed in the DGEIS)

Initial review of Action and Establishment of Lead Agency, mailed 6-21-19

Scoping Document, Final – July 2019

Full Environmental Assessment Form

ENB SEQRA Notice Publication Form

### (Additional Documents)

Resolution and notice of completion of DGEIS, September 3, 2019

Notice of Public Hearing, August 12, 2019