

Hon. Rosario Presti Jr., Mayor
277 Old Nyack Turnpike
Village of Chestnut Ridge, New York (10977)
Via email: Village Clerk (fmandel@chestnutridgevillage.org) and
Village Attorney (ashah@fnmlawfirm.com)

DR. Project No.: 11490-001
May 19, 2022

**Re: REVIEW MEMORANDUM
DRAFT COMPREHENSIVE PLAN & GENERIC ENVIRONMENTAL IMPACT STATEMENT
VILLAGE OF CHESTNUT RIDGE, ROCKLAND COUNTY, NEW YORK**

We are submitting this memorandum on behalf of Citizens United to Protect Our Neighborhoods of Chestnut Ridge (“CUPON CNR”), who retained our firm to review several ongoing planning actions in the Village of Chestnut Ridge (“Village”). We have previously submitted a comment letter on the *Draft Scoping Document for Preparation of a DGEIS*, dated November 12, 2020; a *Comprehensive Plan Analysis* report, dated November 18, 2021; a *Comprehensive Plan Analysis Addendum*, dated January 20, 2022 which provided several comments and suggestions which have not been fully addressed.

This memorandum addresses comments on the Draft Generic Environmental Impact Statement (DGEIS) dated March 9, 2022 and the Final Generic Environmental Impact Statement (FGEIS), dated May 11, 2022, for the proposed Comprehensive Plan for the Village of Chestnut Ridge and Local Law No. A v.6 of 2022, dated May 11, 2022, which are posted on the Village website. While the Village Board has closed the public comment period on the DGEIS, we wish to submit these comments on both documents as the DGEIS is incorporated within the FGEIS. Separate comments on the DGEIS were not submitted during the DGEIS comment period as the last day for submission of comments was not included with the notice of the public hearing scheduled for April 28, 2022.

PRELIMINARY ASSESSMENT OF THE GEIS

Consistency with the Adopted Scoping Document – The DGEIS and FGEIS do not address all the *Potential Impacts Identified* in the Final Scoping Document, dated December 17, 2021. The following impacts are not comprehensively assessed in either document:

- Land Development for new multifamily and planned industry uses, impacting drainage, surface waters, wetlands and groundwater, vegetation and wildlife
- Impacts on the provision of utilities, such as water supply, sewage treatment and any limitations on such service provision by USEPA or others
- Community Character
- Fiscal impacts of new development
- Use of Energy

While the DGEIS and FGEIS indicate that impacts related to the Equestrian Estates Development and proposed PUD Zone will be assessed in a separate EIS, there are other recommendations for land use changes which are not comprehensively addressed in either the DGEIS or FGEIS.

Implications of Proposed Policies - The DGEIS and FGEIS only cursorily assess the impacts of the proposed zoning recommendations, which were included in *Section 6. Conceptual Land Use Plan* of the Comprehensive Plan. The

DGEIS does not evaluate the impacts of the proposed goals and objectives (i.e. policies) of the Comprehensive Plan included in *Section 5.0 Comprehensive Plan Vision and Goals*.

The goals and objectives of the Comprehensive Plan touch on policies beyond land use including:

- Environmental Protection
- Community Facilities and Services
- Economic Development
- Infrastructure
- Transportation
- Sustainability
- Historic Preservation
- Community Design

There is no assessment of how the proposed rezonings will promote or hinder the goals and objectives of the Comprehensive Plan which should be the primary objective of the DGEIS and FGEIS.

Reliance on Site-Specific SEQR for Substantial Land Use Recommendations – The Comprehensive Plan recommends several large-scale policies and land use actions but defers the assessment of environmental impacts of those actions to later “site-specific” environmental reviews. Deferment of the evaluation of potential impacts of these policies and land use changes to “site-specific” EISs will limit the review of the impacts to the local environs of the proposed land use change and miss the impacts of these actions on the Village as a whole. As stated in the DGEIS,

“A Generic Environmental Impact Statement (GEIS) is a broader, more general EIS that analyzes the impacts of a concept or overall plan or enabling local law rather than those of a specific project plan.”

The draft Comprehensive Plan sets out broad policies and recommends specific land use actions that are intended to guide future development of the Village. It is the function of the DGEIS to assess the overall environmental impacts of the policies and land use actions proposed as part of the Comprehensive Plan to determine what potential negative or positive impacts they may have and what mitigation measures might be appropriate. Following that assessment, it is the responsibility of the Village Board as Lead Agency to determine if the proposed future actions are in the best interest of the Village as a whole.

The DGEIS and FGEIS do not comprehensively assess the potential long term development impacts of the proposed land use changes including: recommendations to rezone over 800 residential properties; rezoning and new uses in the LO, PI and RS districts; creation of a PUD Zone which could apply to both the Equestrian Estates and Triangle Properties development sites; creation of a “floating zone” which would apply to the Green Meadow School/Fold Foundation/Duryea Farm properties. Further, there is no assessment of how the proposed land use changes will promote or hinder the goals and objectives of the Comprehensive Plan.

Impacts of Proposed Changes to Residential Districts – The DGEIS and FGEIS do not comprehensively assess the environmental impacts resulting from the changes to the bulk requirements which accompany the rezonings, including impacts to community character, natural resources, stormwater runoff and flooding. The DGEIS and FGEIS

include a build-out analysis which only assesses the number of new residential units that could be developed on vacant properties. However, the long-term impacts of the proposed changes to the bulk requirements for already existing homes could have a collectively greater impact than the limited development on vacant parcels.

The DGEIS and FGEIS should consider the incentive to redevelop properties with increased coverage and FAR in concert with the recommendation that the Village contemplate permitting accessory units “as-of-right”. A segregated review of these two land-use changes, could allow for a profound increase in the intensity and density of the development of the Village as a whole, with no comprehensive environmental assessment by the Lead Agency.

Impacts of Proposed Changes to Non-Residential Districts and new PUD Districts – The DGEIS and FGEIS do not comprehensively assess the environmental impacts of the development potential with the proposed changes to the PI, LO and RS zones. Proposed changes to these zones are intended to encourage development; however, generic impacts of the potential new development are not assessed. This includes impacts to natural resources, traffic/transportation, community character, public services (e.g. schools, police and fire services, etc.), utilities (e.g. water, sewer, stormwater, energy, etc.), fiscal impacts and energy impacts.

The DGEIS and FGEIS do not address generic impacts of potential for the new development under the proposed PUD zone deferring it to a separate “site-specific” EIS. However, the Draft Environmental Impact Statement for Equestrian Estates Mixed Use PUD Application; dated September 2, 2021, did not include any evaluation of the impacts of the potential application of the PUD Zone to the Triangle Properties.

Additionally, the Comprehensive Plan references the potential for a new floating zone to be applied to the Green Meadow School/Threefold Foundation/Duryea Farm properties which is not evaluated as a concept in the DGEIS or the FGEIS.

COMMENTS AND QUESTIONS ON THE DGEIS and FGEIS

SECTION 6.0 DISCUSSION OF THE IMPLICATION OF PROPOSED POLICIES

The DGEIS does not evaluate the impacts of the proposed goals and objectives (i.e. policies) of the Comprehensive Plan included in *Section 5.0 Comprehensive Plan Vision and Goals*. *Section 5* addresses only the proposed zoning recommendations, which were included in *Section 6. Conceptual Land Use Plan* of the Comprehensive Plan. There is no assessment of how the proposed zoning changes will promote or hinder the goals and objectives of the Comprehensive Plan.

- Goal 1: Land Use – How do the proposed zoning changes promote or hinder the goals and objectives of the Comprehensive Plan?
 - Objective 1.3 is to preserve the remaining agricultural uses in the Village. The DGEIS and FGEIS reference a proposed PUD zone for one of the few remaining agricultural use in the Village at the Duryea Farm. What are the impacts of the potential for non-agricultural use at this property on the objectives of the Comprehensive Plan?

- Goal 2: Environmental Protection – What are the implications and impacts of the policies included in the Comprehensive Plan on the Village’s natural resources, parks, and open space?
 - Objective 2.1 is to protect environmentally sensitive stream ecosystems and floodplains, including Hungry Hollow Brook, Pine Brook and Pascack Brook and maintain adequate buffers between these systems and adjoining development. What are the generic impacts of the proposed rezonings, particularly in the non-residential and potential PUD landing areas, on stream ecosystems and floodplains? Where would stream corridors and floodplains be impacted?
 - Objective 2.3 is to prevent unneeded erosion by limiting land disturbance in steep slopes areas. What are the generic impacts of the proposed rezonings, particularly in the non-residential and potential PUD landing areas, on steep slopes? Where would steep slopes be potentially disturbed?
- Goal 3: Community Facilities and Services – What are the implications and impacts of the policies included in the Comprehensive Plan on the Village’s community facilities and services?
 - Objective 3.1 is to maintain and enhance the Village-provided community services and facilities. The Comprehensive Plan recommends moving the Village Hall but does not identify an appropriate site or assess the fiscal impacts of the move. What are the impacts of the recommendation to move Village Hall?
 - Objective 3.4 is to promote enhancement of existing parkland and develop new community parks. Where would these new parks be located?
- Goal 4: Economic Development – What are the fiscal impacts of the proposed policies? What are the impacts to the Village’s budget? How many jobs will be created? What are the impacts of new technologies and working habits?
- Goal 5: Infrastructure – The Comprehensive Plan, DGEIS and FGEIS contain no analysis of the condition of the current infrastructure and no concept of how many capital dollars will be required to maintain or improve current or future infrastructure. What are the impacts of the proposed policies on the Village’s infrastructure? Is there adequate water, sewer and stormwater capacity for the proposed development envisioned?
- Goal 6: Transportation – What are the impacts of the Comprehensive Plan policies on transportation in the Village beyond the Red Schoolhouse Road corridor? Especially considering the potential for increased commercial activity in non-residential districts and the potential for increased residential density from permitting accessory units.
- Goal 7: Sustainability – Is the proposed land use and residential density within the capabilities of the Village’s natural resources, utilities, transportation infrastructure, and other environmental constraints?
- Goal 8: Historic Preservation – What are the impacts to the Village’s Historic and scenic resources?
- Goal 9: Community Design – How do the proposed land use recommendations reinforce the character of Chestnut Ridge and improve the aesthetic appearance of the Village?

6.1.1 Planned Industry and Laboratory-Office (PILO) Zoning Changes

The intent of these recommendations are to spur new development in the underperforming Laboratory-Office (LO) District; however, there is no analysis of the impacts of new development on the Village and its' resources.

- The DGEIS and FGEIS do not address generic impacts of the potential for new development. How many acres are impacted? What are the generic impacts of this new development potential on drainage, surface waters, wetlands and groundwater, vegetation and wildlife, traffic/transportation, community character, public services (e.g. schools, police and fire services, etc.), utilities (e.g. water, sewer, stormwater, energy, etc.), fiscal impacts and energy impacts?
- The proposed zoning changes would allow two new uses in the LO Districts. How many under-developed or vacant sites are currently in the LO District? How many square feet of new warehouse and/or industrial/flex space could be developed on those sites? How many acres of new impervious coverage will be created? How many acres of currently forested land will be eliminated? Where are the Village's natural resources in relation to the properties in this new PILO Zone?
- The Draft Comprehensive Plan also recommends adding "Assisted Living Facilities" and "Hotels" with maximum height of 48 feet and FAR of 0.65 (Pg 6-2), and "supermarkets" (pg 6-8) to the list of allowable uses in the PILO Zone. This recommendation is not assessed in the DGEIS.
 - The proposed changes to the bulk table do not accommodate the proposed height or FAR increase for the Assisted Living or Hotel uses. This would potentially lead to increased variance requests.
 - Section 10 of the FGEIS indicates that the maximum height and FAR for "assisted living facilities" and "hotels" are "permissive" and defers any review of impacts to the Planning Board for a site-specific application. This would allow an increase in the intensity of development in the Village without a comprehensive environmental assessment of the impacts on the Village as a whole.
- The DGEIS and FGEIS do not address impacts of the proposed definition for "Flex Space, Business Park".
- The DGEIS and FGEIS indicate that all existing Laboratory-Office (LO) Districts are recommended to be rezoned to PILO (pg 22). However, proposed zoning map 10 in the Comprehensive Plan still includes a single LO District, and the proposed Local Law A V.5 of 2022 only eliminates the PI District, but maintains the LO District requirements.

6.1.2 Neighborhood Shopping Zoning Changes – Village Center

The intent of these recommendations is to create a new "village center" at the north end of the Red Schoolhouse Road corridor; however, there is no analysis of the impacts of new development on the Village and its resources.

- The draft Comprehensive Plan proposes expanding the NS District and recommends relocating the Village Hall Offices and meeting spaces to the NS District.
- The DGEIS and FGEIS do not identify a new proposed location for the Village Hall or assess the generic impacts of potential for the new development. What are the generic impacts of this new development potential on drainage, surface waters, wetlands and groundwater, vegetation and wildlife, traffic/transportation, community character, public services (e.g. schools, police and fire services, etc.), utilities (e.g. water, sewer, stormwater, energy, etc.), fiscal impacts and energy impacts?

6.1.3 Regional Shopping Zoning Changes

The intent of this recommendation is to expand the RS District and allow new uses permitted in the PILO District, including industrial uses, warehousing businesses and flex space; however, there is no analysis of the impacts of new development on the Village and its resources.

- The draft Comprehensive Plan proposes adding uses permitted in the new PILO District to the existing RS District, and rezoning a small portion of the existing LO district to the RS District.
- The DGEIS and FGEIS incorrectly indicates that “the area is already zoned for NS” on page 24.
- The DGEIS and FGEIS indicate that the “*use group controlling bulk and area requirements would remain the same, so that additional development coverage or FAR would not be allowed*”. [emphasis added] All uses in the existing RS District are in use class M, which requires a minimum lot area of 15 acres, permits a development coverage of 70% and an FAR of 22 (proposed to be revised to 0.30). Uses in the PILO District are generally in Use group J, which require a lot area of 60,000 SF (approximately 1.5 acres), and permits a lot coverage of 70% and an FAR of 0.40. This would allow an increase in the intensity of development in the Village without a comprehensive environmental assessment of the impacts on the Village as a whole.
- Given the lower lot area threshold, the proposed rezonings may incentivize development of the RS District with these new PILO District uses. How many square feet of new commercial, hotel, warehouse and/or industrial/flex space or other permitted use could be developed on those sites? How many acres of new impervious coverage will be created? Where are the Village’s natural resources in relation to the properties in this new RS Zone?
- The DGEIS and FGEIS do not assess the generic impacts of potential for the new development. What are the generic impacts of this new development potential on drainage, surface waters, wetlands and groundwater, vegetation and wildlife, traffic/transportation, community character, public services (e.g. schools, police and fire services, etc.), utilities (e.g. water, sewer, stormwater, energy, etc.), fiscal impacts and energy impacts?
- The DGEIS and FGEIS reference a planned development for the Triangle Properties (pg. 32), for self-storage and other “retail uses”. How is this proposed development consistent with the proposed changes to the RS District and the goals and objectives of the Comprehensive Plan?

6.1.4 Residential Zoning Changes to Decrease Nonconformities Village-Wide – Buildout Analysis

The Comprehensive Plan recommends rezoning 838 residential parcels and creating 3 new residential districts. The stated intent of these recommendations is to reduce nonconformities on residential lots that are undersized; however, the proposed zoning changes not only reduces non-conformities with regard to lot area, but also increases the development potential of many residential properties.

For example, one neighborhood (Area 1) is proposed to be rezoned from the R-50 District to a new R-20 District. These two districts have different use groups for single-family residential development: Use group “h” for R-50 and use group “x.2” for the proposed R-20 District. The proposed rezoning from R-50 to R-20 would allow for an increase in development coverage of 7,000 square feet on an average 20,000-square-foot lot (from 20% to 55% coverage permitted) and an increase of 1,000 square feet of building area (from 0.2 FAR to 0.25 FAR).

- The DGEIS and FGEIS do not comprehensively assess the environmental impacts resulting from the changes to the bulk requirements which accompany the rezonings, including impacts to community character, natural resources, stormwater runoff and flooding. The DGEIS and FGEIS include a build-out analysis which only assesses the number of new residential units that could be developed on vacant properties.
- However, the long-term impacts of the proposed changes to the bulk requirements for already existing homes could have a collectively greater impact than the limited development on vacant parcels.
- The DGEIS and FGEIS should consider the incentive to redevelop properties with increased coverage and FAR in concert with the recommendation that the Village contemplate permitting accessory units “as-of-right”. A segregated review of these two land-use changes, could allow for a profound increase in the intensity and density of the development of the Village as a whole, with no comprehensive environmental assessment by the Lead Agency.
- There is no analysis of the impacts of the proposed changes to the bulk table for use groups x.1, x.2 or x.3, which would reduce setback requirements for the x.2 and x.3 use groups and increase the development coverage in the x.1 use group. This would allow an increase in the intensity of development in the Village without a comprehensive environmental assessment of the impacts on the Village as a whole.
- The DGEIS and FGEIS do not address the impacts of the proposed changes to *Section 290-84 for Nonconforming Lots*.
- The DGEIS and FGEIS do not assess the generic impacts of potential development under the proposed bulk changes. What are the generic impacts of this new development potential on natural resources, traffic/transportation, community character, public services (e.g. schools, police and fire services, etc.), utilities (e.g. water, sewer, stormwater, energy, etc.), and fiscal impacts?

6.1.5 Creating a Floating PUD Zone

- The DGEIS and FGEIS indicate that there are two possible locations for the “landing” of the proposed PUD Zone: [1] the Triangle Properties site and [2] the Equestrian Estates site, and that the environmental impacts of the PUD and more specifically the Equestrian Estates development is to be evaluated separately.
- The Draft Environmental Impact Statement for Equestrian Estates Mixed Use PUD Application; dated September 2, 2021, did not include any evaluation of the impacts of the potential application of the PUD Zone to the Triangle Properties.
- The DGEIS and FGEIS do not address generic impacts of potential for the new development at the Triangle Properties. What are the generic impacts to natural resources (surface water), traffic/transportation, community character, public services (e.g. schools, police and fire services, etc.) and utilities (e.g. water, sewer, stormwater, energy, etc.), fiscal impacts and energy?

6.16 Green Meadow School/Threefold Foundation/Duryea Farm

The Comprehensive Plan references the potential for a new floating zone to be applied to the Green Meadow School/Threefold Foundation/Duryea Farm properties to allow development of an education campus/philanthropic uses/ group quarters/ accessory housing/agriculture to be designed in a master plan.

- The DGEIS and FGEIS do not address generic impacts of potential for the new floating zone on the properties. What are the generic impacts to natural resources (surface water), traffic/transportation,

community character, public services (e.g. schools, police and fire services, etc.) and utilities (e.g. water, sewer, stormwater, energy, etc.), fiscal impacts and energy?

6.1.7 Aspirational Policies

This section is intended to address the impacts of the *Issues Identified for Future Study in Section 6.1.5* of the Comprehensive Plan. There are several issues that are not addressed at all within the DGEIS and FGEIS which could have significant environmental impacts:

- House of Worship and Residential Gathering Places - The DGEIS and FGEIS do not address the recommendation to further review the standards for houses of worship to ensure they continue to satisfy the needs of the community into the future.
- Bulk Requirements for Schools - The DGEIS and FGEIS do not address the recommendations to consider revisions to the bulk standards for schools to allow for the establishment of smaller, neighborhood schools.
- Accessory Dwelling Units and Two-Car Garages - The DGEIS and FGEIS do not address the recommendation that the Village consider permitting accessory dwellings “as-of right” in single family districts. As noted above this potential land use change could have profound environmental impacts when considered in concert with the increase in coverage and FAR permitted by the proposed rezonings, which are not examined in the DGEIS and FGEIS.
- Chestnut Ridge Road Thoroughfare Plan – Additional Retail/Non-Residential Opportunities - The DGEIS and FGEIS do not address the recommendation that the Village conduct a corridor study for Chestnut Ridge Road.

6.2 Housing Potential Buildout Analysis

- As noted above, this section only addresses the impacts of the proposed rezoning with regard to the number of units that could be developed. There is no analysis of other impacts of the proposed land use changes.
- The DGEIS does not comprehensively assess the impacts of the anticipated development. What are the impacts on community character, impacts to community services (e.g. school demand, police/fire etc.), physical infrastructure (i.e. water, wastewater, stormwater, energy utilities, etc.) and fiscal impacts?

7.0 Traffic Improvements and Red School House Road Traffic Study

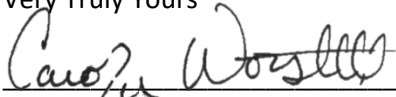
The Red Schoolhouse Road Traffic Study, which was prepared by Colliers Engineering in February 2021, does not fully assess the range of possible alternatives that could result from the proposed land use changes recommended in the Comprehensive Plan.

The traffic study only assesses the traffic impacts of the Triangle Properties as a retail shopping center. the DGEIS and FGEIS identifies the Triangle Properties development site as a potential landing place of the PUD Zone, which could be developed with 130 dwelling units per the build out analysis in Section 6.2. What traffic impacts would this alternative have?

CONCLUSION

The adoption of a Comprehensive Plan is a valuable opportunity for the Village to set the vision for its future growth within the capabilities of the Village's natural resources, utilities, transportation infrastructure, and other environmental constraints. Our review of the DGEIS and FGEIS has revealed numerous inconsistencies and omissions regarding significant environmental impacts of the proposed Comprehensive Plan and Local Law A v.6 of 2022. As such, the conclusions within the DGEIS and FGEIS regarding the absence of significant negative environmental impact of the proposed Comprehensive Plan and Local Law A v.6 of 2022 are not supported and should not be relied upon.

Very Truly Yours



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cc: Hon. Rosario Presti Jr., Mayor; Steven N. Mogel, Esq.

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