

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
October 21, 2021

**Re: DEIS REVIEW MEMORANDUM
EQUESTRIAN ESTATES PUD FLOATING ZONE PETITION
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"). The following memorandum provides a assessment and comment on the following relevant documents:

1. Draft Environmental Impact Statement for Equestrian Estates Mixed Use PUD Application; dated September 2, 2021, including Appendices A-H;
2. Equestrian Estates Zoning Petition Plan Set, prepared by Langan Engineering dated June 6, 2019;
3. Equestrian Estates DEIS Completeness Review Memo, prepared by Nelson Pope Voorhis, dated July 9, 2021

These documents are related the Village's intention to adopt a zone text and map amendment to create a Floating Zone for a Planned Unit Development ("PUD" zoning ordinance) and the proposed Equestrian Estates Overall Site Layout Plan ("Equestrian Estates development").

PRELIMINARY ASSESSMENT OF THE DEIS

Consistency with the Comprehensive Plan Process - Best planning process would consist of first adopting a Comprehensive Plan that identifies the Village's goals and objectives along with land use recommendations for achieving those goals and objectives, followed by zoning text and map amendments to implement the Comprehensive Plan's recommendations. The DEIS assesses the consistency of the Equestrian Estates development with the draft Comprehensive Plan; however, this Plan could change as it has not been finalized or adopted. As such the consistency review included within the DEIS is not conclusive as the timing of the Town's review processes for these two major planning actions will likely result in amendments to the Comprehensive Plan based on the adoption of the Equestrian Estates PUD Floating Zone.

Project Description – The proposed Equestrian Estates Development project is described several times throughout the DEIS, however there are numerous inconsistencies in the descriptions of the uses of the different buildings, bedroom types, etc. which affect the impact analyses in several sections of the DEIS including Section 3.5 Demographics and Fiscal Resources and Section 3.6 Community Facilities and Services.

Furthermore, the Equestrian Estates PUD Zone application does not appear to be complete as several requirements are missing or inadequate. It is the responsibility of the Village Board to enforce the requirements under the proposed PUD Zone, as it is the Board with sole responsibility for all approvals. The Planning Board's role is limited to a 60-day review of the proposed PUD Zone, environmental documentation and the Concept Plan to provide recommendations to the Village Board. No site plan approval from the Planning Board is required under the

proposed PUD Zone. The Zoning Board of Appeals has no role under the PUD Zone, as any deviations or variances from the proposed bulk requirements would be approved by the Village Board as part of the Concept Plan approval.

Land Use and Zoning – The PUD Zone Section C. Application Procedure and Approval Process officially designates the Village Board as the responsible agency for review of consistency of PUD Concept Plans with the bulk requirements under the PUD Zone. DGEIS Section 3.4 does not adequately assess the compliance of the proposed Equestrian Estates Development with the bulk regulations under the proposed PUD Zone. There are several inconsistencies between the bulk requirements proposed in the PUD Zone (Appendix B) (dated February 6, 2020) and the Equestrian Estates Zoning Petition Plan Set (dated June 6, 2019). Furthermore, information necessary to evaluate other bulk requirements is missing from the Equestrian Estates Plan.

Surface, Ground Water, Ecology and Wetland Resources – There are existing surface and wetland resources on the project site which will be impacted by the proposed Equestrian Estates Development. The DEIS does not address the impacts of the proposed Equestrian Estates Development on the Pascack Brook tributary (a New York State Class 303(d) Impaired Waterway) which flows through the site. The Equestrian Estates Zoning Petition Plan Set shows a Building constructed on top of the tributary, which is not discussed in DEIS Section 3.2 or Section 3.3. While a Storm Water Pollution Prevention Plan (SWPPP) is included in the DEIS, it is unclear if it meets statutory requirements as it does not appear to have been vetted by the appropriate Town authorities. Additionally, impacts of the proposed Equestrian Estates on the required 100-foot buffer for wetlands has not been assessed.

COMMENTS AND QUESTIONS ON THE DEIS

SECTION 2.0 PROJECT DESCRIPTION

Section 2.0 of the DEIS describes the “Proposed Action”, which includes the adoption of a proposed Planned Unit Development (PUD) zone and the development of the Equestrian Estates project consisting of approximately 45,500 square feet of commercial space and 266 residential units.

How many of the 118 apartment units in the two northern buildings will be dedicated senior housing, restricted to households with at least one person over the age of 55? The project description indicates that “up to half” of the 118 units, or a maximum of 59 units, will be age restricted with the other units open to the general populace. If only half, or less, of the units in these two buildings will be age restricted, the other 59+ units should be treated the same as the rental apartment units above the commercial spaces with regard to parking requirements and school children impacts.

How many of the senior apartments will be “affordable” and what income levels will they be affordable to? Section 2.7.1 describes the Project Purpose and Need and indicates that the project is being proposed to “address the need for quality market-rate duplex townhouse dwellings and market-rate and affordable senior rental apartments in a location that has access to major transportation routes of the region”. However, Section 2.3 does not distinguish between market rate and affordable senior units in its description of monthly rents between “\$1,800 to \$2,200”; with actual market pricing and rental value to be established based upon conditions at the time of occupancy.

The Applicant has not provided all of the required information under PUD Zone Section C. Application Procedure and Approval Process to be deemed complete. The “Equestrian Estates Zoning Petition Plan Set” (the Plan) dated June 6, 2019 and DEIS submitted by the Applicant as part of the application does not include: (e) the number of bedrooms by each housing type and the floor areas of all non-residential, general community facilities and accessory structures; (f) a comprehensive narrative indicating how the open space and common areas are to be preserved in perpetuity, owned and maintained beyond a statement that an HOA will be established; (g) an analysis of consistency with the bulk requirements under the proposed PUD zone; (k) a phasing plan for the completion of the project.

The expected timeline for construction (18 months) does not appear to align with the phasing described to limit disturbance on the site. The DEIS mentions that no more than 5 acres of disturbance would be created at any one-time during construction and shown in Figure 2-7 Construction Sequencing. Anticipated dates of commencement and completion for each phase is required to be provided as part of the Application for determination of completeness.

SECTION 3.2 SURFACE & GROUND WATER RESOURCES

The Equestrian Estates development proposes to construct a mixed-use building on top of the Pascack Brook tributary which flows through the site. The DEIS describes the tributary as entering the site via a culvert under Red School House Road and flowing into a “man-made channel” around the perimeter of the commercial portion of the site before it enters the undeveloped part of the site and becomes the stream channel. The Pre-Development Watershed Map (Figure 3.2-1) does not clearly delineate the portion of the stream which is in the “man-made channel”; however, Figure 3.2-2 clearly shows that a building and parking will be constructed over a portion of the tributary which runs perpendicular to Red School House Road. The DEIS does not discuss the impacts that the construction of a building and parking lot would have on the tributary and whether any permits would be required from the New York State Department of Environmental Conservation (NYS DEC) or U.S. Army Core of Engineers (USACOE).

The SWPPP prepared by the Applicant must meet additional requirements which include both water quality and water quantity controls. Under Chapter 243 Stormwater Management of the Village’s Code, Article II Erosion and Sediment Control (Adopted by L.L. No. 6-2007), the Stormwater Pollution Prevention Plan (SWPPP) submitted by the Applicant must meet the additional requirements per Section 243-25 of the code. As the stormwater runoff from land development at the site will discharge to an impaired water, the tributary of Pascack Brook, Condition A is met and the SWPPP must meet the additional requirements which include both water quality and water quantity controls. Enforcement of the Village’s stormwater management requirements is the responsibility of the Village. It is unclear if the SWPPP provided meets the statutory requirements as it does not appear to have been vetted by the appropriate Town authorities, such as the Village’s Stormwater Management Officer.

SECTION 3.3 ECOLOGY & WETLAND RESOURCES

The proposed PUD Zone also requires a minimum of 100-foot buffer around DEC or USACOE jurisdictional wetlands. No impervious surfaces are permitted within this buffer except for emergency access. Two USACOE jurisdictional wetlands are identified on the site. The Applicant should show the required 100-foot buffer on

the Plan and assess if any impervious surfaces are included in the buffer area. Additionally, a Wetlands and stream bed disturbance permit may be required from the Village per Chapter 277 of the Village Code.

SECTION 3.4 LAND USE ZONING:

How does the proposed project meet the draft Comprehensive Plan’s Land Use Objective to “create a central place to bring the community together and provide a stronger identify for Chestnut Ridge”? The DEIS describes the project in Section 2.0 and Section 3.4.4 as creating a “core nucleus” for the Village of Chestnut Ridge. However, it is unclear how the development of a mixed-use shopping center and private housing development creates a “central place to bring the community together and provide a stronger identity for Chestnut Ridge”. The project incorporates none of the common elements of a community centered place: there is no central element such as a natural water feature or fountain, public art or pedestrian plaza for the community to center around, there are no public seating spaces or other public amenities, and the pedestrian circulation patterns referenced in the DEIS are solely focused on creating linkages internal to the site and do not extend beyond the property boundaries to invite the wider community in. In addition to the physical infrastructure that creates a community “place” the intangibles such as buy-in of community partners and programming to activate the space are also missing. The roads and other community facilities proposed are all intended to be “private” which would allow the Homeowners’ Association (HOA) which maintains this infrastructure to erect gates or other barriers limiting the public from accessing the property. Furthermore, visuals of the proposed development included in the DEIS appear to focus on creating a corporate brand for the private housing development but does nothing to create a stronger identity for Chestnut Ridge.

The proposed Equestrian Estates Development is not compliant with the proposed PUD bulk regulations. Section 3.4.6 of the DEIS claims that “the project is fully compliant with the proposed PUD bulk and use regulations”, however no assessment of compliance with the bulk requirements is provided in the DEIS. Furthermore, the proposed “Table of Bulk Regulations” included in the “Equestrian Estates Zoning Petition Plan Set” (the Plan) dated June 6, 2019 submitted by the Applicant as part of the application, but not incorporated within the DEIS, is not consistent with the bulk requirements proposed in the PUD Zone (Appendix B) (dated February 26, 2020), as noted below:

- Maximum height for a multifamily or mixed-use structure is 48 feet per the proposed PUD Zone, where the Plan references a maximum height of 55 feet. No elevations are provided to show the heights of the proposed buildings.
 - A maximum building height of 48 feet is proposed for “multi-family” and “mixed-use structures” and 35 feet for “single family, two-family and townhomes”. The RSH District, the only other district that permits multifamily housing in the Village, has a maximum height of 35 feet or 2 stories, whichever is less. The proposed PUD Zone represents a significant departure from the maximum height permitted anywhere else in the Village and could potentially permit the development of 4 or 5-story structures, depending on the topography of a site.
- Development Coverage is 40% of gross acreage per the proposed PUD Zone. The Plan references a maximum building coverage of 50%.
 - Development Coverage is defined in the Village Code as the “percentage of the area of a lot covered by the buildings, parking areas, accessory structures and any impervious materials, including

- natural impervious areas”. Building coverage as defined in the Code only includes the area of the lot covered by a building or buildings.
- The Applicant should calculate and provide the development coverage proposed for the site as defined by code.
 - The proposed PUD Zone has a maximum FAR of 0.20, where the Plan references 0.40. Furthermore, while the Plan shows an FAR of 0.13, no square footages for the senior housing, townhouses or single-family homes are provided and no total building gross square footage is provided.
 - The Applicant should provide building footprint square footages for all buildings on the site and a total gross square footage broken down by unit type.
 - Minimum front, side and rear yards in the proposed PUD Zone are 50 feet. The Plan references a minimum 30-foot front and rear yards, and minimum 20-foot side yards. Furthermore, the table indicates that there is a minimum side yard setback of 25 feet and a minimum rear yard of 45 feet somewhere on the property, which would not meet the requirements under the proposed PUD Zone.
 - The proposed PUD Zone also requires a minimum of 100-foot buffer around DEC or USACOE jurisdictional wetlands. No impervious surfaces are permitted within this buffer except for emergency access. US ACOE jurisdictional wetlands are identified on the site.
 - The Applicant should show the required 100-foot buffer on the Plan and assess if any impervious surfaces are included in the buffer area.
 - An average of 2.75 bedrooms per unit is permitted across the entire PUD Development Site. The Plan does not indicate the number of bedrooms proposed for the townhouses or single family homes, nor the average across the site.
 - The DEIS generally describes the unit breakdown as follows
 - 62 duplex townhome units - each with 4-bedrooms;
 - 84 rental apartment units – each with 2-bedroom;
 - 118 senior apartment units – all 2-bedroom units (with option for 2 units to only have 1-bedroom), “up to half” restricted to persons 55 and older; and
 - 2 detached single-family homes – 4 bedrooms each.
 - The Applicant should confirm the unit breakdowns by unit type and calculate the average number of bedrooms site wide.
 - The proposed senior housing does not meet requirements per Section K.5.a of the proposed PUD Zone, where a maximum 50% of units may be 2-bedroom. All but 2 of the proposed “senior units” are 2-bedroom.
 - Additionally, a minimum distance of 50 feet is required between senior housing buildings higher than 2 stories. The Applicant should provide dimensions for the distance between the two buildings proposed.
 - The PUD Zone requires that commercial uses occupy a minimum of 10% and a maximum of 35% of the total gross floor area of all buildings proposed. The Applicant should provide calculations of the gross square footage of the site and the percentage occupied by commercial uses.
 - The proposed PUD Zone requires a minimum 20% of the development site be provided as “contiguous open space uninterrupted by buildings”. Further, this 20% may not include “required property line

- buffers around the perimeter of the site, required building setbacks and yards, parking lots or stormwater detention facilities.”
- The Applicant should identify the areas within the site which qualify as “contiguous open space” and calculate the percentage of the site dedicated to these areas.
 - A 50-foot vegetated buffer is required along all side and rear lot lines adjoining existing residential development (or that adjoin residential zones).
 - Per the Village Code, this required buffer should be in addition to the required 50-foot yard setback requirement. Per Code definition of a “Yard, Required”, “where a buffer is required, the buffer shall be deemed to commence at the lot line and the yard requirement shall be deemed to commence from the interior line of the buffer”.
 - The Plan does not show the required 50-foot buffer (plus an additional 50-foot yard setback) along the portion of the site which is adjacent to the residential neighborhood off South Pascack Road.

Evaluation of the consistency of the proposed Equestrian Estates Development plan with the proposed PUD Zone Use and Bulk Requirements should be undertaken by the Village Board as part of the SEQRA review process. The draft PUD Zone Section C. Application Procedure and Approval Process designates the Village Board as the responsible agency for the review of the:

“Proposed bulk requirements applicable to designated use areas of the site, including building heights, setbacks and yards from proposed site roadways or external existing Village roadways, coverage restrictions, FAR calculations, separation between buildings, and any other bulk constraints necessary to ensure site plans for component use areas are consistent with the plan portrayed in the PUD Concept Plan.”

If the Board were to abdicate this responsibility and approve a Concept Plan *as a legislative body* that does not meet the bulk requirements of the proposed PUD Zone, it would in essence be granting any variances required for the development.

The Proposed PUD Zone replaces the Planning Board as the Site Plan Approval authority for developments within the Zone with the Village Board. According to PUD Zone Section C. Application Procedure and Approval Process, the Planning Board’s only role during the approval of a PUD Zone and subsequent approval of a Site Plan is an advisory role during the SEQR process. Section C.6 specifies that “upon finding the application to be complete, and prior to approving the PUD Floating Zone District” the Village Board will refer the application to the Planning Board for review and recommendations. The Planning Board then has only 60 days to review the proposed PUD Zone, any Environmental Impact Statement prepared and the PUD Concept Plan, and provide recommendations to support the mapping of the proposed zone. Subsequently, it is the sole responsibility of the Village Board to adopt and map the proposed PUD Zone and for any the site plan review of the proposed development.

The proposed PUD Zone essentially places all responsibility for Site Plan Review on the Village Board and limits the Planning Board to only an advisory role on the PUD Zone itself. Furthermore, the 60 day review period also limits the ability of the Planning Board to effectively review the proposed PUD Zone, environmental review documentation and the Concept Plan itself to provide comprehensive recommendations to the Village Board.

SECTION 3.5 DEMOGRAPHICS & FISCAL RESOURCES

Section 3.5 of the DEIS contains numerous errors which impact the analysis performed.

- Section 3.5.2 describes the proposed duplex townhome units as 3-bedroom, where in the previous section 3.5.1 they are described as having 4 bedrooms. Additionally, the multiplier of 2.83 included in the text does not match the 3.83 multiplier in the table. The Applicant should correct the analysis to account for the 4-bedroom unit size.
- Similarly, the description in Section 3.5.2 of the multipliers for senior housing 1.8 does not match the multiplier in the table 2.03. The Applicant should correct the analysis to account for the correct multiplier.
- Furthermore, the population projections in the DEIS treats all 118 of the “senior apartments” as if they will be age restricted. However, throughout the DEIS it is indicated that only “up to half” of the units will be age restricted. The other half which will not be age restricted should be treated the same as the other 2-bedroom rental apartments with regard to total persons generated and school aged children. The Applicant should update the analysis to account for the non-restricted “senior housing” units, which should result in an increase the population projection for both total and school aged children.
- Overall, the multipliers used to calculate the population generated by the proposed Equestrian Estates Development do not appear to consistently match the values in any of the tables included in the November 2018 CUPR Demographic Multipliers report. The Applicant should provide the source (i.e. the table number) for the multipliers used or explain in further detail how the multipliers were determined.
- The municipal costs and school district costs analyses should be updated based upon the revised population generated from the development. The net benefits should also be recalculated for Section 3.5.5 and elsewhere reported in the DEIS.

SECTION 3.6 COMMUNITY FACILITIES & SERVICES

Section 3.6.2 should be updated based upon revised population generation as noted above. The calculated Police Department, Fire Department and Emergency Medical Service staffing needs should be updated based on the revised total number of persons generated.

Water Demand Analysis in section 3.6.2 should be revised to correct the error with the number of bedrooms generated by the proposed Equestrian Estates Project. The analysis is for 3-bedrooms per duplex townhouse unit; however, these units have been described as having 4-bedrooms each elsewhere in the DEIS. Additionally, the water demand analysis includes ten 3-bedroom senior units, which are not included in the project description anywhere but this table.

The DEIS addresses only the sewer units generated by the proposed Equestrian Estates, and does not assess the ability of the existing infrastructure to handle the projected water used by the project.

SECTION 3.7 TRAFFIC & TRANSPORTATION

The Traffic analysis for the proposed Equestrian Estates EIS relies solely upon the Red School House Road Area Traffic Study, which was prepared as part of the Town’s Comprehensive Plan. The DEIS relies solely upon

the Red School House Road Study, but includes only the Executive Summary of the study in the appendices of the DEIS.

The Red School House Road Study includes 44,524 Square Feet of Retail and Office space which does not match the description in the DEIS. Section 2.0 of the DEIS describes a “total of 45,500 square feet of commercial space”. The traffic study calculates the traffic generated by the proposed Equestrian Estates based upon 29,524 square feet of retail and 15,000 square feet of office space. Traffic generation rates are based upon the type of use proposed as well as the square footage of each use type. The traffic generation calculations in the traffic study are under counted by approximately 1,000 square feet based upon the DEIS description. Additionally, the traffic study includes 118 senior (age restricted) apartments, as noted above “up to half” of the 118 units will be age restricted, all others will not be restricted and should be considered as market units for the sake of traffic generation calculations. Additionally, the DEIS, Concept Plan and traffic study should all provide matching breakdowns of the types of uses proposed and their square footages. A site-specific traffic study which addresses the inconsistencies between the Red School House Road traffic study and the Equestrian Estates project as described in the DEIS, and any recommended changes to the roadways or intersections near the site, should be prepared.

SECTION 3.9 AESTHETIC RESOURCES

Has a Conceptual Landscaping Plan been developed? Page 3.9-2 indicates that a Conceptual Landscaping Plan “has been” developed, retaining existing wooded areas, restoring vegetation along the road corridor and providing screening of the developed areas within the site. However, Page 3.9-4 indicates that a Conceptual Landscaping Plan “will be” developed. A landscaping plan should be developed and reviewed by the Village Board as part of the SEQRA process to assess whether the level of landscaping proposed meets the intent to preserve existing wooded areas, restore vegetation along the road corridors and providing adequate screening within the site itself. Additional landscaping may be required in certain areas to mitigate visual impacts of the proposed Equestrian Estates development on adjacent land uses.

Post Development Views from Lance Court (Figure 3.9-3B) show significant visual impact for these single-family home residential neighbors. Additional landscaping or other mitigation measures (including the required combined 50-foot buffer and 50-foot setback requirements discussed above) should be considered to mitigate the impacts of the proposed Equestrian Estates development on this residential neighborhood.

How will signage for the proposed Equestrian Estates development be regulated? The PUD Zone does not include any signage standards and the Article VIII Signs of the Village Code limits business identification signs to one sign per façade, not to exceed 10% of the façade area. The renderings (Figure 3.9-8) in the DEIS does not show retail signage for the commercial space, only one building sign for the residential portion of the development. Additionally, a monument sign is shown for each of the entrances from Red School House Road and Loescher Lane. The Village Board should consider incorporating specific signage standards into the PUD Zone to address any potential conflicts with the Village’s current signage ordinance.

SECTION 3.10 ENERGY RESOURCES

What LEED certification equivalency is the project targeting? Section 3.10 discusses incorporating green building practices into the proposed development but stops short of setting a LEED target rating equivalency.

The Board should consider setting a minimum LEED or similar rating equivalency for any development proposed under the PUD Zone.

Will the proposed Equestrian Estates development include solar power generation or other alternative energy resources? Page 3.10-2 of references the “consideration of solar panels” and other “alternative energy resources” to help reduce the overall carbon footprint of the project. How seriously is the project developer considering these alternative energy resources? Plans for the Equestrian Estates development do not show any solar or other alternative energy measures proposed.

Plans for the proposed Equestrian Estates should identify the proposed 20% open space. As noted above, the PUD Zone requires a minimum 20% of the development site be provided as “contiguous open space uninterrupted by buildings”. Further, this 20% may not include “required property line buffers around the perimeter of the site, required building setbacks and yards, parking lots or stormwater detention facilities.”

Plans for the proposed development do not indicate where a bus stop is or will be located in proximity to the site. The DEIS mentions an existing bus stop next to the site in the list of LEED measures included in the project design. However, Section 3.7 Traffic and Transportation does not mention a bus stop in the description of the existing conditions. Furthermore, Section 3.10 also references that the “Applicant will seek to coordinate a bus stop location along Red School House Road near the main access”. The location of such a bus stop should be shown on plans and evaluated in the Traffic and Transportation section of the DEIS. Plans should also show sidewalks along Red School House Road to provide pedestrian access to the bus stop. The appropriate State and/or County Agency for approval and operation of a bus stop should also be included as an Involved Agency as part of the SEQR process.

SECTION 5.0 ALTERNATIVES

The “Existing Zoning As-of-Right” Alternative would require a Use Variance. This alternative proposes the development of 285,125 gross square feet of self-storage facilities, 110,500 square feet of flex/industrial space within the portions of the site in the LO Zone and 9 single family homes within the residential zoned portions of the property. Neither of the proposed uses are permitted in the LO District, as noted below:

Permitted Uses: utilities; office buildings for business and professional uses, including administrative, scientific, research and development, statistical, financial and similar purposes in connection with such uses; laboratories, research facilities and corporate parks; medical and dental clinics, health service complexes [sic]. Conditional uses: reservoirs; outdoor recreation facilities, including golf courses, tennis courts, ice skating rinks, swimming pools, parks, playfields and ski areas, accessory to outdoor recreation facilities; temporary structures; hotels and motels; commercial recreation facilities; manufacturing of prototype products as adjacent to an office or laboratory; landscape contractors. Uses by special permit of the Village Board: surface and overhead public utilities; dog and cat boarding facilities; volunteer ambulance service facilities.

This DEIS Alternative should be revised to accommodate one or more of the permitted uses, conditional uses or special permit uses permitted in the LO District.

None of the Alternatives addresses the possibility of expanded uses under the PILO recommendation in the draft Comprehensive Plan. In addition to the uses already permitted in to LO District, a combined PILO District would also permit:

Permitted Uses: Industrial uses, which may include manufacturing, fabrication, processing, converting, altering, assembling, testing or other handling of products; wholesaling or warehousing businesses. Conditional uses: Reservoirs; outdoor recreation facilities and accessory recreation structures; commercial recreation facilities; temporary structures; automobile sales and service agencies; laundry and dry cleaning plants; landscape contractors; emergency medical service offices and facilities.

APPLICABILITY OF THE PUD ZONE TO OTHER SITES & CONSISTENCY WITH COMPREHENSIVE PLAN PROCESS

Adoption of the proposed PUD zoning ordinance is a broader action than a site-specific development concept. In other words, the PUD zoning ordinance could potentially be applicable to more than one development site. The DEIS does not contemplate or assess whether there are any other sites which might meet the criteria for the application of the PUD Zone.

The environmental review as laid out in the Draft Scoping Document focuses on the consistency of the Equestrian Estates development with the PUD Zone, as if adoption of the PUD Zone was a foregone conclusion. Separating these two “actions” would allow the Village to fully vet the appropriateness of the proposed PUD Zone and the associated impacts on the Village.

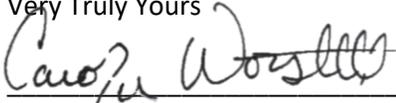
Furthermore, the best planning process would consist of first adopting a Comprehensive Plan that identifies the Village’s goals and objectives along with land use recommendations for achieving those goals and objectives, followed by zoning text and map amendments to implement the Comprehensive Plan’s recommendations. The DEIS assesses the consistency of the Equestrian Estates development with the draft Comprehensive Plan; however this plan could change as the Plan has not been finalized or adopted. A proposed development application utilizing the zoning text and map amendment should be the final step in the process.

CONCLUSION

Our review of the DEIS has revealed numerous inconsistencies and omissions regarding significant environmental impacts of the proposed Equestrian Estates Development and PUD Zone. As such the conclusions within the DEIS regarding these environmental impacts are not supported and should not be relied upon. If the Board declares the DEIS complete at this evening’s hearing, we respectfully request that a Supplemental EIS be prepared to address the inconsistencies and omissions mentioned above.

We reserve the right to provide additional comments on the proposed PUD zoning ordinance and the proposed Equestrian Estates development application at a later date.

Very Truly Yours



Carolyn Worstell, PP, AICP
Senior Planner

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

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