
EXHIBIT "I"

-----X
In the Matter of the Application of

Scenic Development LLC

DECISION

For Preliminary Subdivision Approval
for a Project entitled:

Patrick Farru Subdivision
-----X

The Planning Board of the Town of Ramapo at a meeting held at Ramapo Town Hall,
237 Route 59, Suffern, New York on, January 6, 2011, commencing at 8:00 P.M.,
at which time and place the following members were -

Present and Voting AYE:

Present and Voting NO:

Absent:

The following resolution was moved by _____ seconded by _____
and carried _____.

WHEREAS, an application has been filed by Scenic Development, LLC requesting
preliminary subdivision approval for a project entitled Patrick Farm Subdivision located on the
east side of Route 202, 0 feet south of Route 306 which is known and designated on the Ramapo
Tax Map as Sections 32.11-1-12, 32.11-1-13, 32.11-1-14, 32.11-1-16, 32.11-1-2, 32.11-1-3,
32.11-1-4 and 32.14-2-3, and

WHEREAS, the Planning Board duly considered said application at public hearings held on
September 7, 2010, October 25, 2010 and November 29, 2010, and

WHEREAS, the SEQRA review of the proposed project was conducted by the Town Board of the
Town of Ramapo, which considered the potential environmental impacts of the zone change and resultant
implementation of the project; and whereas the Town Board adopted a detailed Statement of Findings,
dated January 25, 2010; and

WHEREAS, the Planning Board relied on the Town Boards Findings relative to SEQRA, and whose
task was to insure the mitigation measures identified in the Findings were successfully included in the
preliminary site plan under review; and

WHEREAS, the following summarizes the measures considered during the Planning Board's review;

Scenic Development, LLC proposes to develop a mixed density residential development on
approximately 208.5 acres, in the north central area of the Town of Ramapo, Rockland County, New

York. The site is located immediately west and south of US Route 202, and immediately east of NYS Route 306 on a predominantly undeveloped site.

The project site is located in an area of existing water and sewer service. The project proposes to upgrade and improve the existing sewer infrastructure which serves the project site. These conceptual plans have been approved by the Rockland County Sewer District #1. United Water New York has provided a letter which indicates their willingness to provide water service to the proposed project.

The project site has direct access to U.S. Route 202^N to the north and west, NYS Route 306 to the east and the residential area along Scenic Drive to the South. Access to the regional transportation network is via the Palisades Interstate Parkway (PIP). US Route 202 provides access to the Palisades Interstate Parkway (PIP) less than 2 miles from the project site.

There would be two access points to the main portion of the site, one from US Route 202 and one from NYS Route 306. There is an additional access directly to the community service worker apartments from NYS Route 306, in addition to five residential access drives located along Scenic Drive. As part of the project design it is anticipated that left turn lanes into the project site would be constructed at both main entrance locations.

Integral to the project is a stormwater management plan which includes ten stormwater basins and four recharge basins constructed to handle the change in stormwater runoff that would result from construction of the project. The 9 stormwater management ponds and recharge areas located within the multifamily areas shall be maintained by the Homeowners Association. The remaining 5 stormwater management ponds located in the single family area shall be maintained by the Town.

The site is located over the sole source Ramapo Aquifer and as such has been designated in the Town of Ramapo Zoning Code as a conservation area in which should land uses should be served by municipal water and sewer to protect the aquifer, as is proposed in this project.

The project site is served by Orange and Rockland Utilities which would provide electricity to the property; and to Columbia Gas which would supply natural gas to the property. Public water would be provided by United Water New York. Public sewer service would be provided by the Rockland County Sewer District #1. There are existing easements located on the property to both Orange and Rockland Utilities and Columbia Gas for an underground gas main and high voltage electrical transmission towers that follow the alignment of the internal roadway. The plans have been submitted to the Land Agent for Columbia Gas Transmission for review and approval to cross the on-site easement to Columbia Gas. A preliminary review of the Construction Guidelines published by Columbia Gas, indicates the Patrick Farm project will comply with the published Guidelines. Plans have also been submitted to the New Business Office of Orange and Rockland Utilities for their review and comment. Orange & Rockland Utilities is a subsidiary of Con Edison, as such construction will be conducted in accordance with the Con Edison Safety Guide.

- 1) The grading and recontouring of soils will be required for project construction.

Impacts to slopes would be minimal for the Patrick Farm development because of the relatively shallow slopes on the site and the limited areas of steep slopes to be disturbed.

The presence of bedrock outcrops on the site indicates that rock removal would be required for project construction. Site conditions would mandate which method of rock removal would be required for specific areas on the property.

The erosion control plan has been prepared by Leonard Jackson, P.C. and addresses erosion control and slope stabilization during all construction phases of the project. These plans were developed in accordance with the Erosion and Sediment Control Guidelines in the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-08-001). Construction will include limitations on the area of disturbance and devices to be used to help control soil erosion such as silt fencing, storm inter protection and a stabilized construction entrance. A waiver for disturbance of more than five acres at one time will be requested from NYS DEC if necessary.

Potential Blasting would be carried out in accordance all New York State and Town of Ramapo requirements for blasting (Blasting and Explosive Control Law for the Town of Ramapo, Local Law No. 10-1992).

No roads, buildings or other direct impacts to existing surface water features are proposed. No direct impacts to wetlands, surface water or groundwater are anticipated.

The project design includes measures to simulate the aquifer recharge capability of the site similar to undeveloped conditions. As a result of these measures there will be minimal post development loss in the recharge capability of the site to the underlying aquifer.

The DEIS includes plans that conform to criteria established by the NYSDEC. These plans include the use of erosion controls, phased site development and stormwater quality BMPs as presented in the NYSDEC Stormwater Design Manual (2003). The stormwater pollution prevention plan utilizes a combination of BMPs to best provide water quality treatment prior to discharge.

No disturbance is proposed for the wetland communities on site.

A Sample Tree Survey Acre was conducted within the zone change area, approximately 100 trees will be harvested from this area. A comparison of the Sample Tree Survey Acre, with the proposed Landscape Plan indicates more than 50 trees will be replanted in this same area. It should also be noted that this Sample Tree Survey Acre is heavily wooded. Approximately 60 percent of the zone change area is wooded, the remaining 40 percent has already been cleared, thus no trees will be harvested from these already cleared areas.

Tree protection measures would be implemented to save trees that exist near the limits of disturbance on the boundaries of the development. It is estimated that 68.1 acres of existing forest will be preserved. In addition, as illustrated on the Conceptual Landscape Plan, the site will be extensively re-landscaped as part of this project.

No state listed rare or endangered plant species or communities identified on the site by the NYSDEC as occurring within areas adjacent to the project site, this is consistent with observations made during visits to the site by project consultants.

The site was surveyed to determine the potential presence of Timber Rattlesnake (*Crotalus horridus*) and Indiana bat (*Myotis sodalis*); Neither species nor suitable habitat for either species was identified on the project site.

The proposed project would not disturb any on-site regulated NYSDEC freshwater wetlands or the 100-foot area adjacent to the wetlands or any ACOE regulated wetlands.

A Storm Water Pollution Prevention Plan SWPPP has been prepared which provides physical and biological controls over the post-development runoff rates and water quality conditions. Stormwater management facilities incorporate standards presented in the latest New York State Stormwater Management Design Manual (August 2003). An Erosion and Sediment Control (ESC) plan has been developed and provided on the site plan. All soil erosion and sediment controls would be installed in accordance with Best Management Practices, Rockland County Soil Conservation Service, and the town municipal codes. Clearing limit lines would be established in the field on the site prior to commencing any construction activities to protect wetlands. The applicant shall retain the services of an engineer for scheduled inspections and report preparation as to the implementation of the measures identified in the SWPPP for the proposed project.

Overall, the proposed action would be compatible with the character and community trends of the project's surrounding area. The property development would blend with the mixture of land uses surrounding the site including public parks/open space, residential (single and multifamily), institutional/quasi public uses, general/community businesses and vacant land. The site is appropriately located in a residential district adjacent to residential uses to the north, east and south and in the vicinity of scattered concentrations of commercial and industrial development.

Based upon the area of single family houses to encircle the multifamily development, the existing residential character of the adjacent areas to the north, south and east will be preserved. Preservation of areas of open space and significant landscape buffer areas will further reduce the impacts to community character. No significant adverse impacts to community character and development trends are expected from the proposed action.

The project proposal includes various measures in the design that would make the development compatible with the local area land use pattern, including using a ring of single family homes to buffer the multifamily portion of the site from the surround areas. The project would conform to the amended zoning as proposed and the applicable provisions set forth in the Town and County Comprehensive Plans. A Landscaping Plan has been prepared which includes the preservation of open space and the creation of landscape buffering to insure the integrity of the Scenic Roadway Corridor.

Solid Waste collection and disposal will occur at Patrick Farm in a manner consistent with current practice in the Town of Ramapo. The proposed development is projected to generate \$33,086 annually in taxes to pay for solid waste disposal.

Water from the Valley-Fill Aquifer is the source of all of the Town of Ramapo potable water via both individual and United Water New York (UWNY) wells. The Valley-Fill aquifer is part of the larger Ramapo River Basin sole source aquifer system, as designated by the Environmental Protection Agency (EPA). The water supply to the project site would be supplied by United Water New York (UWNY).

The Town of Ramapo Public Works Department and Rockland County Sewer District #1 (RCSD #1) both have jurisdiction over sanitary sewer infrastructure in the Town of Ramapo. Sanitary sewer flow generated from Patrick Farm is estimated at 198,800 gallons per day based upon an average rate of 400 gallons per day per home. The RCSD #1 Wastewater Treatment Plant has adequate capacity to treat the Patrick Farm sewage. Sanitary discharges from Patrick Farm will enter the public sewer system at the RCSD #1 Route 202 Pump Station.

The following improvements to local sanitary sewer infrastructure are anticipated as part of this project: Replacement of the Route 202 Pump Station, Construction of a new Force Main discharge line from the new pump station to the Scenic Drive vicinity, replacement of gravity sewer lines which run from Scenic Drive to the Wilder Road vicinity, Upgrade of the pump station at Wilder Road. The scope and conceptual design of these required improvements is being coordinated with RCSD #1. In a letter dated January 20, 2009, RCSD indicated their approval of the scope and design parameters for sewer improvements proposed by the Patrick Farm project. Annual taxes generated to the Sewer District would be \$145,613.

Phase I and 2 Archeology Studies were conducted for the Patrick Farm site, and were submitted to the Office of Parks Recreation and Historic Preservation (OPRPH) for review and comment. OPRPH identified the J. Mather Farmstead and the Conklin Family Cemetery as resources of potential significance.

The cemetery will be protected by a conservation easement and left undisturbed, thus there will be no impact to the cemetery as a result of the Patrick Farm development.

The J. Mather Farmstead has also been preserved via a conservation easement. The applicant has reconfigured the driveway on lot 51, in the vicinity of the J. Mather Farmhouse foundation to allow the farmhouse foundation to remain undisturbed.

Based on these commitments by the project applicant, no impact on archaeological and historic resources is anticipated as a result of the proposed project.

The proposed project would convert currently vacant woods and fields to a residential development and thereby change the character of the site. Clearing of trees and grading for construction and the addition of two story single family and townhouse dwellings would allow some views of the proposed development from area roadways. New lawns and landscaping would replace existing woods and meadows in developed areas, while preserving some natural buffers and placing single family development around the perimeter of the development. Preservation of the single family development density along the Route 202 and 306 corridors is specifically proposed as a design technique to integrate the development with the existing character of the locale. A Conceptual Landscaping plan has been developed to retain existing forested areas as far as practicable, and to restore vegetation along the scenic road corridor, providing screening of the developed areas within the interior of the site. As shown on the Conceptual Landscape Plan, the land along US Route 202 which contains the stone retaining wall is located within the area to remain undisturbed.

A significant portion of the project site is situated within the defined limits of the Town of Ramapo Scenic Road District. A checklist of site plan review and approval items taken from Town of Ramapo Local Law No. 7-2004, Scenic Road District Law, is provided in Attachment A describing the extent to which the proposed project plan conforms to the district criteria.

The site design for the proposed development would locate single family residences on the lots with frontage along NYS Routes 202 and 306 and Scenic Drive, while the townhouses would be clustered in the central portion of the property. This layout would allow for the preservation of existing trees, landforms, and characteristic development patterns along the area roads and the screening of denser portions of the development in the center of the property. In this way the site design would conform to the standards in the Town of Ramapo Scenic Road District Regulations. A Conceptual Landscaping plan has been developed to retain existing forested areas as far as practicable, and to restore vegetation along the scenic road corridor, providing screening of the developed areas within the interior of the site. The

foregoing discussion and accompanying cross sections demonstrate that the proposed project would not obstruct any existing scenic view.

As shown in the Conceptual Landscaping Plan, landscaping for Patrick Farm, including built elements, trees, shrubs and other plantings would adopt a naturalistic and or a more manicured approach in accord with the overall site design, architectural concept, and the specific standards and goals of the Town.

The project includes an extensive system of walkways to facilitate pedestrian circulation around the project site without vehicles. The project entrance area is designed to include two landscaped ponds with small fountains to provide an aesthetic feature along US Route 202.

WHEREAS, the Town Board has concluded the SEQRA process and the Planning Board is bound by those findings unless a significant change in the application has transpired and

WHEREAS, the Planning Board has verified that the plans are substantially identical to those upon which the Town Board's SEQRA Findings were based and that no new significant environmental issues were raised herein and is bound by the said SEQRA Findings pursuant to 6 NYCRR § 617.6(b)(3)(iii); and

WHEREAS, the Planning Board reviewed the Community Design Review Committee report dated September 1, 2010 and the following additional documents:

1. Responses to comments from September 7, 2010 public hearing dated October 6, 2010 from Leonard Jackson Associates.
2. Objections to proposed subdivision and site plan for Patrick Farm Development.
3. New York State Department of Transportation letter dated October 15, 2010.
4. New York State Department of Environmental Conservation letter dated October 7, 2010.
5. Palisades Interstate Park Commission Letter dated October 20, 2010.
6. General Municipal Law Review from the Rockland County Department of Planning dated October 22, 2010.
7. Rockland County Highway Department letter dated October 25, 2010.
8. Palisades Interstate Park Commission Letter dated November 24, 2010.
9. Responses to comments from October 24, 2010 hearing dated November 22, 2010 from Leonard Jackson Associates.
10. Responses to comments from November 29, 2010 public hearing dated December 14, 2010 from Leonard Jackson Associates.
11. Letter from S. C. Montemorano dated December 14, 2010.
12. Letter from Leslie Brun received December 15, 2010.
13. Letter from Bruce Levine, Esq. dated December 14, 2010.
14. Letter from Susan Shapiro, Esq. dated December 14, 2010.
15. Letter from Planit Main Street, Inc. dated December 2, 2010.

WHEREAS, the Planning Board has considered the testimony at the public hearings and written materials submitted and hereby makes the following findings and determinations:

1. The Environmental Impact Statement adopted by the Town Board, Lead Agency for the project, indicated that the proposed subdivision would not have adverse impacts on surface water and that rooftop runoff would recharge the aquifer located in the vicinity of the property to simulate the aquifer recharge capability of the site similar to undeveloped conditions. The testimony of Frank Getchell, a hydrogeologist with Leggette, Brashears & Graham, consultants for the applicant as well as with material submitted by the firm confirmed that the proposed stormwater management plan would provide for adequate protection of the yield capacity and water quality of the Mahwah River and the underlying aquifer.
2. The Aquifer and Well Field Protection Zone Local law specifies activities, which require review by the Department of Public Works and the Building Inspector and a report to the Planning Board at time of site plan review. First, the above local law does not apply to subdivision applications. Further, the proposed subdivision activities are not prohibited nor regulated by the local law.
3. The Scenic Road District Local Law has as its purpose that important scenic and natural features of the site will be substantially preserved. Its applicability relates to Planning Board approval at time of site plan and not subdivision approval. Further, consistent with the SEQRA Findings, the applicant has proposed activities which are in compliance with the law's standards for development (see attached Schedule A).
4. The proposed subdivision and site plan were considered as part of a coordinated SEQRA review by the Town Board acting as Lead Agency. The Town Board required the preparation of DEIS, held a public hearing on the DEIS, allowed a comment period, prepared and adopted an FEIS, and adopted a Findings Statement. Thus, a complete SEQRA review was conducted prior to the Planning Board's consideration of the subject project. Said review included consideration of timber rattlesnakes, impact on the aquifer, visual impacts and impacts on the East Ramapo School District.
5. As stated above, the Town Board adopted a written Findings Statement with respect to the project dated January 25, 2010. Said Findings Statement contained specific findings as to potential impacts and proposed mitigation. The proposed subdivision plan is in compliance with the Findings Statement adopted by the Town Board.
6. The proposed project plans have been forwarded to the Columbia Gas Company for review and any final approval will comply with all of their requirements. Further, despite testimony at the public hearings, there are no federal or state regulations regarding construction in the vicinity of a gas pipeline, which as of yet have not been adopted. The project complies with all applicable Town provisions.
7. The proposed project was submitted for review by various outside agencies including, but not limited to, the New York State Department of Transportation, New York State Department of Environmental Conservation and the Palisades Park Commission. Compliance with any requirements of the above agencies will be considered as a condition of any final approval.
8. The Town Board, in approving a zone change for the subject property, required the Planning Board to approve a plan for the administration of the rental housing for emergency service workers as well as the development and sale of the workforce housing. Proposed plans have been submitted for review, and such plans must be approved prior to any final subdivision or site plan approval.

9. The Town Board, in approving the zone change for the subject property, required the creation of conservation easements protecting the Conklin Farm Cemetery and J. Mather Farmstead as well as providing for public access to the Cemetery and archeological access to the Farmstead. The proposed plan shows the required easements, and they would be a requirement of any final subdivision and site plan approval.
10. All proposed subdivision lots are in compliance with the applicable bulk regulations of the Town's Zoning Law as confirmed by the Town's Building Inspector.
11. The proposed retaining walls have been reduced in height to a maximum of twelve (12) feet and are essential to allow a proper development of the site and protection of natural resources.
12. As stated during the public hearings, the Washington Rochambeau Revolutionary Route purportedly utilized the Route 202 corridor, and the proposed subdivision will not adversely impact the Route 202 corridor.
13. The proposed subdivision layout, while involving regrading, is designed to protect wetlands and water courses and parallel existing grade of the site.
14. The Town's Zoning Law, Site Plan Rules and Regulations and Subdivision Regulations do not prohibit the simultaneous review of a proposed subdivision and proposed site plan for the dwelling units to be constructed on the subdivision lots.
14. The Army Corps of Engineers (ACOE) and the New York State Department of
15. Environmental Conservation (NYSDEC) have each reviewed their respective jurisdiction over freshwater wetlands at the site. The Army Corps of Engineers was requested to conduct a review of the subject property, and they issued a jurisdictional determination dated February 1, 2007 delineating the wetlands located on the subject property and that determination is valid for a period of 5 years. The New York State Department of Environmental Conservation issued a validation for their jurisdiction on November 13, 2009 which is valid for a period of 10 years. Further, the proposed plan will not impact any ACOE wetlands or ACOE "waters of the United States" and will not require issuance of a nation-wide permit from the Army Corps of Engineers. Further, the proposed plan will not impact any NYSDEC wetlands or NYSDEC "adjacent areas" and will not require a freshwater wetland permit from the NYSDEC. The Planning Board is bound by the above determinations.
16. As required by the Town's subdivision regulations, a tree mapping survey was provided showing a one-acre parcel representative of the trees located at the MR-8 portion of the site as well as mapping at the yards of the single family (R-40) portion of the property. Tree mapping was not required at areas which are not proposed to be disturbed including the wetlands and wetlands "buffer" or at the very steep areas of the site. Tree mapping was also not required within the roadway corridors of the R-40 portion which will be disturbed.
17. The Department of Public Works has received detailed stormwater analyses including the following documents:
 - a) Stormwater Pollution Prevention Plan (last revised October 4, 2010)
 - b) Stream Crossing Design (last revised June 30, 2010)

The Stormwater Pollution Plan combines both stormwater as well as sediment and erosion control designs. This document must be reviewed and accepted by the Town Stormwater Management Officer.

18. Planting plans have been provided which provide extensive landscaping at the stormwater management areas to reduce their visual impact and to enhance their aesthetic value as an amenity.

19. Subdivision Plans comply with Article IV of the Town of Ramapo Subdivision Regulations entitled General Requirements and Design Standards including the following:

§40. General

A. Character of land.

The subject property is not of such a character that it cannot be used without danger to health or peril from fire, flood or other menace.

B. Conformance to Master Plan or Official Map.

The subdivision conforms to the amended comprehensive plan.

C. Frontage on improved Road.

The property fronts on Route 202, Route 306 and Scenic Drive; all existing improved roads.

D. Monuments.

Monuments will conform to the town construction standards and specifications.

Monuments are typically specified at Final Subdivision and will be required at that time.

§41. Roads

A. Relation to topography.

Roads have been related appropriately to the topography as demonstrated by the grading plans as well as the road profiles which are part of the subdivision plans. Proposed elevations of dwellings, driveways, and roads rise and fall to parallel the existing site topography. The grading plans as well as the road profiles provide both existing grades and proposed grades and show how the plans were developed to blend with the existing topography.

B. Block size.

Proposed blocks conform to the general recommendation of (2) lots in depth and (12) times the lot width.

C. Intersections.

1) Intersections are as close to ninety degrees as possible.

2) No major streets intersect less than 800 feet apart.

D. Continuation of roads into adjacent property.

This section is specified to be provided when necessary and is not necessary for this application.

E. Permanent dead-end roads.

1) Circular turnarounds have been provided.

2) Maximum length conforms with §411.

F. Road names.

Road names are a final detail that will be specified, reviewed, and approved at final subdivision.

- G. Location, width and improvement of roads.
Roads have been suitably designed and have been sited in appropriate locations to suit the development and are the appropriate width to serve the community. In addition the roads have been sited to completely avoid environmental resources such as wetlands and very steep slopes. Roadway stream crossings feature natural bottom culverts.
- H. Reserve strips.
No prohibited reserve strips are proposed.
- I. Design standards for new roads.
Roads meet the geometric requirements of this section with the exception of sidewalks within the R-40 portion of the property which are proposed at one side of the road not both and a waiver is granted for the same herein.

§42. Improvements

A. Road improvements

- 1) Roads conform to Town standards (with the exception of sidewalks) and have been reviewed by the Town's engineer. A waiver has been granted herein with respect to the sidewalks noted.
- 2) Roads shall be improved in compliance with the subdivision regulations and standards and dedicated as required.

B. Drainage improvements.

- 1) Proposed drainage improvements are indicated on the drainage and grading plans which are part of the subdivision plans. The drainage improvements comply with the applicable regulations and are adequate to accomplish their purpose.
- 2) Culverts have been sized appropriately and have been reviewed by the Town's engineer and found to be sufficient.
- 3) A downstream drainage study is not necessary for this application as there will be no downstream effects.
- 4) No referral to the Town Drainage Commission has been required by the Planning Board.

C. Other improvements.

- 1) Road sign payment shall be provided as required.
- 2) Road lighting as specified as Note 14 on Subdivision Drawing 30 is acceptable.
- 3) Shade tree payment shall be provided as required.
- 4) Sewer facilities shall be installed as indicated on the utility plans which are part of the subdivision drawings and are sufficient and comply with all applicable laws and regulations.
- 5) Fire hydrants and water supply districts.
 - a) No necessary action has been identified for a water-supply district.
 - b) Fire hydrant locations are indicated on the utility plans and appear acceptable. Hydrant locations will be revisited at Final Subdivision Approval.

D. Underground improvements.

All utilities are proposed underground.

§43. Lots

- A. Lot arrangement
The subdivision plans including the drainage, grading and utility plans demonstrate the suitable and acceptable constructability of all lots.
- B. Access across a watercourse.
All required culverts have been specified on the grading and drainage plans and the construction details and comply with all applicable laws and regulations and are adequate for the intended purpose.
- C. Lot dimensions.
All lots comply with the minimum standards of the Zoning Law . All lot dimensions are indicated on the plat.
- D. Side lot lines.
Most lot lines are right angles to the street. This is a general guideline and variation is permitted when it results in a better plan as is the case with the plat herein.
- E. Access from major and secondary roads.
Lots have been designed to avoid direct access from major roads. No vehicles will need to back out into traffic.
- F. Corner lots.
All corner lots are specified with two front yards-setbacks.
- G. Water bodies.
Lot lines are so placed that maintenance will not become a Town responsibility.
- H. Fencing.
Fencing is proposed at all stormwater management basins and stone walls are proposed at Route 202 and Route 306.

§44. Reservations for parks, playgrounds and recreation areas.

Applicant has proposed to utilize the alternate procedure permitted in Part E; money in lieu of land. _____

§45. Other reservations.

- A. Widening or realignment of existing roads.
Old Route 202 is an existing dangerous road that is proposed to be closed by the subdivision and will ultimately be abandoned by the State.
- B. Utility and drainage easements.
 - 1) Easements are indicated on the plat and are acceptable and adequate.
 - 2) Drainage easements are indicated on the plat and are acceptable as proposed.
 - 3) The Town has not requested easements along watercourses.
 - 4) Low-lying lands along watercourses shall be preserved in their natural state.
Proposed culverts incorporate natural bottoms.
- C. Easements for pedestrian access.
No such easements have been required of the Applicant.
- D. Shade tree easement.
Shade tree easements are indicated on the Plat and are adequate to accomplish the purposes of the regulations.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board that the application for preliminary subdivision approval is hereby:

- (1) granted based on a map dated August 12, 2010, subject to the following:
- a. C.D.R.C. report dated September 1, 2010, except for the following:
Rockland County Highway Dept. Letter dated October 25, 2010, comment No. 1.
Town of Ramapo Dept. of Public Works letter dated August 31, 2010, comments 3, 20, 23 and 24 and Frederick P. Clark memorandum August 30, 2010, comments 1 - 7
 - b. Letters from New York State Department of Environmental Conservation, New York State Department of Transportation, Palisades Interstate Park Commission and Rockland County Department of Highways.
 - c. Compliance with conditions contained in Town Board Resolution No. 2010 - 100 including but not limited to:
 1. Phasing plan as set forth in F.E.I.S.
 2. Approval of plan for development and sale of the workforce housing units and volunteer housing for first time homebuyers and persons with moderate income and
 3. Creation of conservation easements protecting the Conklin Farm Cemetery and the J. Mather Farmstead to ensure public access to the Cemetery and archeological access to the Farmstead.
 - d. Waiver of subdivision regulations permitting road "C without the standard right-of-way width to have twenty (20) feet of additional right-of-way beyond the standard right-of-way to be included in a permanent easement.
 - e. Waiver of Subdivision Regulations permitting sidewalks to be required on only one side of the road in the R-40 district where single family R-40 lots front on the road and no sidewalks along Route 202.
 - f. Waiver of road names at preliminary subdivision. Road names are a final detail that will be specified, reviewed, and approved at final subdivision.
 - g. General Municipal Law Review from the Rockland County Department of Planning dated October 22, 2010, except the following comments are overridden.
 - h. Appropriate safeguards to mitigate to location of dwellings to gas pipeline.
 - i. Compliance with requirements of Columbia Gas.

Comment 6:

The 10-20-10 letter is obsolete and has been superseded by a new letter from the PIPC dated 11-24-10. The Applicant will formally address the PIPC comments in the Final Subdivision Application.

Comment 18: No lot width variances are sought or required. No street frontage variances are sought or required.

Comment 19:

The Columbia Gas easement is underground and does not qualify as an encumbrance.

Comment 20:

The referenced driveway will be revised and coordinated with the PIPC as part of the Final Subdivision Application.

Comment 22:

We see no issue with the shape of Lot 32. No liability issues exist with respect to the ramp. A maintenance easement will make lot 89 responsible for all maintenance. This type of maintenance arrangement is commonplace and there is no need to alter lot lines.

Comment 23:

We see no issue with the shape of Lot 51. The provided lot area complies the 40,000 sq. ft. minimum.

Comment 25:

Driveways serving lots 66 and 67 are indicated on the plans. We see no reason to eliminate lots 66 and 67.

Comment 26:

Lot 79 complies with all bulk requirements associated with the R-40 district. Furthermore the subdivision plans demonstrates from a grading, drainage utility perspective how the lot can support a single family home. Lot 79 is not responsible for maintenance of the stormwater basin which will be maintained by Lot 89. This type of maintenance arrangement is commonplace and there is no need to alter lot lines.

Comment 27:

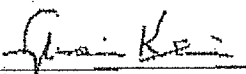
Retaining walls have been fenced for safety, and planted for beautification, and tiered to break - up the visual impact. A four foot limitation is restrictive and unfair, particularly in Rockland County where walls in excess of 4 feet are commonplace.

Comment 29:

The bus stop is situated on a public road. We see no reason why TOR buses will not enter a public road.

The Chairman declared the Resolution carried, and the application granted.

The Director of Planning and Zoning Administration was directed to file this decision and notify the applicant accordingly.


Chairman

Dated: January 6, 2011
Suffern, New York

SCHEDULE A

Architectural Compatibility with Surrounding Structures:
proposed project places single family residence lots around the perimeter of the development to diminish the visibility of the multi-family units internal to the project, Single family residences and lot sizes are similar to the existing homes in the site vicinity.

Substantially Preserve Scenic and Natural Features of the Site :
proposed plan preserves a number of substantial areas in natural land cover that have inherent environmental functions, including scenic qualities. The largest contiguous areas would include preserved wetlands and wetland buffer areas in the north central area; land in and around the power line easement and stream corridor crossing the north end of the project site; the existing pond and associated in-flowing and out-flowing streams in the south end. of the project site; wetlands in the south end; and steep slope areas around the existing knoll in the southwest area including preservation of the stone wall along Route 202 in this area. A site plan revision was made (incorporated into the current proposed plan) that reduces disturbance to the knoll and eliminates blasting in this area.

Siting and Clustering to Avoid or Minimize Obstructing Scenic Views : proposed project places single family residence lots around the perimeter of the development with multifamily units internal to the project, Visual analysis demonstrates no views will be obstructed by the project as proposed.

Double Front Yard Setback for Structures and Parking : all proposed single family lots along Route 202 have been designed using double the required setbacks for buildings and parking, except for Lot 79 due to the unique limitations of that area. Lot 79 meets the setback requirements for the R-40 zone.

Double Side and Rear Yard Setbacks for structures and Parking if there are Historic or Scenic Resources to be Protected:
The proposed plan provides easements for access to two historic features that are proposed to be preserved: Elias Conklin cemetery in the vicinity of Lot 8 and J. Mather farmhouse stone foundation on Lot 51.

Require Management of Front Yard to Preserve Significant Vegetation, Land forms, and Water Features; Create Dense Landscape Buffer; Preserve Stone Walls, Fields; Protect Visual Buffer and Prominence of Scenic Vistas including Views of Historic Properties and Landscapes : proposed plan includes double the required setback on lots that front on Routes 202 except for Lor 79, No legal restrictions (such as a conservation easement) are proposed for these areas. Disturbance to the scenic ridge line in the southwest portion of the site has been minimized, the existing stone wall has been preserved in this area. As shown on the landscape plan a dense vegetative buffer is proposed in the vicinity of the entrance way to screen views of the multifamily development from US Route 202.

Reduce Intrusions Into Open Space; Consider Common Driveways, Shared Utility Services : The proposed project includes several cul-de-sac roads as a design measure to avoid disturbance to certain open space areas and steep slope areas; there is no connection of Roads A and B cul-de-sacs, a common drive is proposed for Lots 1, 2 and 3, to avoid excessive steep slopes disturbance at the knoll in the southwest corner; no connection of Roads D and E cul-de-sacs, a common drive is proposed for Lots 13 and 22, to preserve the wetland at the south end of the site; Road D ends in a cul-de-sac, and a common drive is proposed for Lots 67 and 69, to minimize disturbance to the stream corridor in the north end of the site.

Cluster Subdivision is Preferred Residential Land Development type within, adjacent to, or affecting the character of the District, provided that all structures and parking are screened year-round by land form or vegetation as viewed from public ROW; no diminishment of scenic vistas including views of historic properties and landscapes; and screening is placed in a conservation easement : The proposed plan incorporates a design where single family lots are placed around the project perimeter to reflect the character of surrounding development, while placing more dense housing within the interior of the project and substantially out of sight front off-site vantage points. The purpose of a Cluster design is to allow design flexibility in order to preserve open space, to allow development to occur on the less sensitive areas of the site and to enable preservation of the most sensitive areas of the site. The concentration of development in the central portion of the Patrick Farm project has allowed the areas of wetlands and steep slopes to remain undisturbed resulting in the preservation of open space, thus some of objectives of clustering have been met.

Preserve Existing Vegetation to Screen Structures from Public View within the District : The proposed plan incorporates preservation of existing trees as buffer areas varying in width, generally from 20 to 30 feet wide, within the District. On proposed lots along US Route 202, existing woods are proposed to be retained to a depth of 180' on Lot 2, 30' to 55' on Lots 79-82, and 20' to 100' on Lots 70-77 based on the grading plan. Existing woods on proposed lots along Route 306 are proposed to be retained to a depth of 30' to 50' on Lots 67-70, 24' to 120' on Lots 57, 58 and 66, and 15' on Lot 51 based on the grading plan. The proposed structures would be placed at greater dimensions from these roadways, with intervening vegetation and topography to buffer (although not obscure) views of the development. For this reason, the project is designed with an envelope of single family lots along the District roadways _

Provide for No Cutting of Trees exceeding 8 inches dbh without an approved plan; no cutting of all trees in a single contiguous area exceeding 20,000 square feet - the applicant is requesting approval to develop the project as designed, which would necessitate removal of trees exceeding 8" dbh and cutting contiguous areas of existing woods in portions of the site. The applicant proposes to provide significant landscaping, in the zone change area to mitigate for the removal of trees.

Discourage Telecommunication Towers in the District : There are existing electric transmission towers along an Orange & Rockland utility easement crossing the north end of the subject property. No telecommunication towers are proposed by this applicant. (Findings Statement p. 23-24)

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