

Town of Stony Point
74 East Main Street
Stony Point, NY 10980
Attn: Mr. Gurran Kane, Chairman
Stony Point Planning Board

August 1, 2007

cc: Phillip Marino; Supervisor, Town of Stony Point
Engineer; Town of Stony Point
Salvatore Corallo; Commissioner Rockland County Department of Planning
Tom Micelli; Director of Environmental Health Rockland County Department of Health
Charles H. Vezzetti; Superintendent Rockland County Department of Highways
Ed Devine; Executive Director Rockland County Drainage Agency
New York State Department of Environmental Conservation- Region 3
Stony Point Action Committee for the Environment (SPACE)

Subject: Tomkins View Subdivision

Re: Stony Point Planning Board SEQRA Review

It has come to the attention of the Residents of Rosetown, Buckberg, and Mott Farm Roads, Deegans Lane, James Street and Tomkins Ridge that Mr. Donaghy is proceeding with plans to build a proposed 24-lot subdivision within our neighborhood and that the Stony Point Planning Board, as lead agency, is responsible for reviewing the plans as part of the NYS Environmental Quality Review Act (SEQRA).

We have reviewed copies of the PART 1 and PART 2 SEQRA EAF and the most recent subdivision map dated April 2, 2007, Project 2914, drawing 1, and wish to bring the following issues and concerns to your attention:

SEQRA - Part 1 – dated December 24, 2002

1. This EAF Part 1 document was completed some 4 1/2 – 5 years ago and we are concerned that it may contain some inaccurate and incomplete information when it is compared to the current plans before this board. Does the board consider this 4 1/2 year old Part 1 to still be valid?
2. The application refers to Tomlins View and Tomkins View. Which is the correct name of the subdivision?
3. We understand that Mr. Donaghy has purchased and plans to develop an adjacent 4-lot subdivision that has yet to be developed.
 - Zagoreos – Platt # 7330- dated Dec-16, 1999 - 4 lot sub-division proposed - none of this documentation has been reviewed or is included in the Part I of the Tomkins View subdivision.
4. Since the Zagoreos subdivision was approved in 1999, more than 7 years ago, we question if this subdivision is still considered active or if the application has “lapsed” due to inactivity.
5. The SEQRA Part 1 for Tomkins View states a maximum 25-lot subdivision. If it is determined that the adjacent Zagoreos subdivision has lapsed, we question if it should be considered as part of

this current subdivision since it will affect drainage and other issues on the currently proposed subdivision for Tomkins View.

The Plat that we viewed from Dave Ziegler at the Town Planning Board meeting in May, is a 24 Lot sub-division. The 4-lots of Zagoreos are not included in the Tomkins View documentation. We are concerned that this application is not considering the **cumulative impact** and raises issues of **segmentation**, which is not permitted under SEQRA.

6. What services will be provided – sewer and United Water- or well and septic? The SEQRA indicates United Water and sewer. However, the discussions are now United Water & septic or well & sewer. It appears that it is unclear as to what services will be provided,

SEQR - Part 2 - dated May 24, 2007

1. IMPACT ON LAND – (EAF PART 2 – SECTION 1)

A potential large impact to the following:

- a. Any construction on slopes of 15% or greater or where the general slopes in the project are exceeding 10%.
 - b. Given the steep, difficult slopes and exposed stone and ledge character of the terrain in the surrounding area as well as in the actual development area, along with the already known drainage problems in the general vicinity, on what rationale does the developer base the proposed number of lots for this development?
 - c. Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
 - d. Construction that will continue for more than 1 year or involve more than one phase or stage.
 - e. Construction where the water table is less than 3 feet.
- 2. Will there be an effect to any unique or unusual land forms found on the site?**
- There are existing formations of balanced rock, and an indigenous formation called “fox rock” by the local residents

OUR COMMENTS:

Clear cutting of trees causes soil erosion and water run off. Is Mr. Donaghy going to be allowed to clear cut? While it saves the developer money, the surrounding forest area will be devastated, and we already have drainage and run off problems that cause soil erosion. The old timers use stone walls to prevent this and also respected the natural environment by not cutting all the trees.

We are concerned about the impact on land as presented in the PART 2 EAF and agree with the comments provided by the town consultant in the memo dated May 24, 2007. We want to add the following potential LARGE impact items:

3. IMPACT ON SURFACE OR GROUNDWATER – (EAF PART 2 – SECTIONS 4 and 5)

- a. Will the proposed action affect surface or ground water quality or quantity?
- b. Proposed action will adversely affect groundwater – ***NO RESPONSE PROVIDED***
- c. Proposed action would change flood water flows – ***NO RESPONSE PROVIDED***

Other Impacts: ***NO RESPONSE PROVIDED***

The answers provided in EAF PART 2 are “No” to sections 4 and 5

OUR COMMENTS:

We are concerned that the Planning Board has allowed a “NO” response on these important questions. The applicant has not answered the “sub questions” related to GROUND OR SURFACE WATER. We strongly contest this information and suggest that the Planning Board has not seen an accurate representation of the property, where there are numerous underground streams and groundwater within as little as one foot below the surface. The Residents who are familiar with the property should be consulted. This property review is incomplete and we the Residents request that the Planning Board take another walking tour through the property when it is raining, with us and we will show you the streams, underground springs, and Federal wetlands.

We question the location and size of the Federal Wetlands, streams and underground springs that are indigenous to this area.

It is our belief that this project will most definitely affect ground and surface water. To suggest that the water can be redirected and mitigated within this project is unrealistic because of existing drainage and runoff problems on the Buckberg, Mott Farm, Rosetown Roads, Deegans Lane, and James Street.

What provisions have been made for the use of road salt in the winter? The area Residents are very familiar with well contamination due to salting of the roads.

In the experience and opinion of the Residents, the road(s) water run-off system is currently marginal at best. Does the developer intend to use existing drainage systems for storm water control?

It is well know that the Developer for Dunderberg Estates did not install the drainage properly on Buckberg Road. The drainage in Dunderberg had capacity issues and needed to be replaced. We are concerned that adding more drainage to an already stressed system will overwhelm the existing drainage. The Residents of the surrounding developments Buckberg Estates and Rising Hills also suffer from the same issues of inadequate drainage. These developments have several engineers in common.

The County Highway and Drainage Departments need to reexamine these significant environmental issues in light of the additional information, especially since this development will heavily impact both Mott Farm and Buckberg Roads which are County roads.

4. IMPACT ON SURFACE OR GROUNDWATER QUANTITY AND QUALITY – (EAF PART 2 - SECTION 5 & 6)

We believe that ALL of the following questions in Part 2 section 5 should have been answered “YES” POTENTIALLY LARGE IMACT and addressed in the PART 3 by the applicant:

These are the sub questions that have not been answered.

- A. Will the Proposed Action require a discharge permit?
- B. Proposed Action requires use of a source of water that does not have approval to serve proposed project action?
- C. Construction or operation causing any contamination of a water supply system?
- D. Proposed Action will adversely affect groundwater?
- E. Proposed Action would change flood water flows.
- F. Proposed Action would use water in excess of 20,000 gallons per day?
- G. Proposed Action would likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions?
- H. Proposed Action will allow residential uses in areas without water and/.or sewer services?

OUR COMMENTS:

We are concerned that if the developer disturbs the water table and aquifer that we will have water table quantity and quality problems.

We are concerned about the use and the impact that pollution and chemical (lawn chemicals) contamination can have on our drinking water.

5. IMPACT ON SURFACE OR GROUNDWATER QUANTITY AND QUALITY – (EAF PART 2 - SECTION 6)

- A. Should the environmental study prove to be faulty or otherwise inadequate, do harmed parties have recourse against the engineering firm that produced it?
- B. Has a storm water impact study been completed?
- C. What provision will the developer make to adequately control storm water run-off so as not to adversely impact down hill land owners?
- D. **On what basis does the developer believe that a 100 year storm impact study is not needed?**

- E. Given the history of storm water run-off problems created by past developments in this town why doesn't the planning board insist that a 100 year storm impact study be conducted by the developer?
- F. We already have run-off from existing home sites. Additional clearing of land on a project of this magnitude will only increase our drainage issues.
- G. Does the developer plan to use the existing buried network of shallow and broken drainage pipes that run underground across many of our properties, as part of the NEW storm water containment and control plan? If so, how has the developer demonstrated the integrity and/or functionality of those existing systems?

Cut the trees, blast and bulldoze and your have the formula for disaster.

6. **IMPACT FROM BLASTING**

BLASTING COULD SIGNIFICANTLY CHANGE THE PATH OF FLOWING WATER- AND GROUNDWATER

- A. Several of the homes are old and have settled- blasting will disturb the foundations and structures.
- B. Wells could lose quantity and quality of drinking water and some may go dry.
- C. Septics- what damage will Blasting do to the existing septics in the area.
- D. This building will happen within the proximity of the Ramapo Fault Line and only exacerbate the existing problems.

7. **IMPACT ON PLANTS AND ANIMALS (EAF PART 2 – SECTION 8)**

OUR COMMENTS:

- A. Wildlife on the mountain is essential to the aesthetic enjoyment of the land and the forest and we need to respect, love & preserve it to the best of our ability.
- B. Our wildlife- red foxes, turtles, rattle snakes, bats, red-headed woodpeckers, eagles to name a few need to be protected.
- C. We are concerned for the habitat of the Red Tailed Hawks who make their homes/nests in the back yard of proposed lot #21.
- D. We want to preserve the aesthetic and bucolic look to our area and do not want ANY unnecessary trees cut down.
- E. Herds of deer live in these woods because it is one of the few open spaces left. What will happen to them and the other wildlife?
- F. Has the applicant provided a detailed tree map of significant trees on the parcel?

8. IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES

- A. The Tomkins Cove Library is a poured concrete building dating from 1874 with significant historic importance to the community and close proximity to this proposed project. **BLASTING IS GUARANTEED** to damage this building! The noise will also severely impact the quality of the services and programs offered.
- B. The Garden on the Villard property was designed by a world-renowned landscape architect. Are any steps being made to preserve the garden?
- C. The Lent Cemetery was established in the mid 1800's, what steps will be taken to preserve and protect this story of our heritage?

9. IMPACT ON TRANSPORTATION - TRAFFIC EAF PART 2 – SECTION 15

OUR COMMENTS:

- A. We noted that a traffic count was conducted recently one weekday at the corner of Rosetown Road. Was this relative to this proposed subdivision? The count was conducted during the summer vacation period when schools were not in session. On what basis can this one-time, off peak sampling be considered representative of the NORMAL traffic on the Rosetown and Mott Farm roads?
- B. Traffic increase and flow is now an existing problem. Buckberg Rd in itself is now inadequate to handle the traffic since so many homes have been built here. Buckberg Road will not support 24/28 additional homes.
- C. All of the roads that lead into this area are too narrow to accommodate large trucks and construction vehicles that will be using these roads extensively to develop the area. (Dangerous to drivers and walkers).
- D. Does the developer plan to use Rosetown Road as a normal ingress and egress to the development? If not, how does the developer plan to control the use of Rosetown Road by potential subdivision residents, their guests, and service industry personnel?
- E. Has a recent Traffic Study been completed, encompassing all of the existing roads involved in Tomkins View?

Indian Point

The evacuation plans are inadequate considering that the nuclear plant is less than a mile away.

Open Space

Due to the potential LARGE impact to drainage, groundwater and nearby homes /buildings from blasting, has any consideration been given to less density or open space for this property?

In Summary

As Residents who have invested in our homes and community, we expect the Stony Point Planning Board, as lead agency for this project, to take a very “hard look” at the issues raised by this proposed subdivision and the potentially large environmental impacts that it will have on our homes and our families. The Town of Stony Point has had a history of very significant and severe drainage problems caused by development which was improperly or incompletely reviewed, approved and implemented.

An individual’s right to build must not destroy or devalue the existing homeowners’ rights and investments in our property.

We want our comments and concerns made part of the public record and are interested and willing to share information with the Planning Board and it’s consultants concerning this project.

Sincerely,

The Residents of Mott, Buckberg, and Rosetown Roads, Tomkins Ridge and James Street, signatures to this letter dated July 31, 2007 concerning the proposed development of a 24 lot subdivision by Mr. Donaghy- Tomkins View.

NAME	Address	Signature
1- Anita Babcock	8 Rosetown Rd.	_____
2- Mrs. Avery	4 Rosetown Rd.	_____
3- Anthony & Jackie Bonavia	14 Tomkins Ridge Rd.	_____
4- Avis Kassner	21 Rosetown Rd.	_____
5- Dan & Lenore Noel	2 Rosetown Rd.	_____
6- Dan Shea	1 Deegan Lane	_____
7- Frank & Fran Niegocki	57 Rosetown Rd.	_____
8- Josephine Tarsio	7 Deegan Lane	_____
9- Kristine & Richard Effaldana	13 Tomkins Ridge Rd.	_____
10- Lisa & Paul Goodman	90 Buckberg Rd.	_____
11- Melissa & Frank Tinelli	18 Tomkins Ridge Rd.	_____
12- Nick Komonchak	88 Buckberg Rd.	_____
13 – Peter Dalto	50 Rosetown Rd.	_____
14- Siobhen & Michael Sheehan	9 Rosetown Rd.	_____

