Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 23, 2016

Kaser Planning Board
P.O. Box 391
Monsey, NY 10952

Tax Data: 49.15-1-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/18/2016 **Date Review Received:** 4/21/2016

Item: ***26 CALVERT DRIVE (K-53)***

Special permit and site plan application for two additions to an existing residential building on .34 acres in an R-2 zoning district. A total of nine residential units are proposed.
North side of Calvert Drive, approximately 100 feet east of Crest Court

Reason for Referral:

Town of Ramapo

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

Recommend the following modifications

1 In March of 2012, this department issued a General Municipal Law review of the text amendment adding multiple dwellings as a special permit use in the R-2 zoning district. While we were not opposed to allowing this special permit use in the R-2 zone, we did not support the decision to reduce the bulk standards for multiple dwellings. It is our understanding that proposed Local Law No. 2 of 2012 was adopted although we have not received a copy of the resolution or a revised Zoning Law.

The proposal before us does not conform to the less stringent bulk requirements currently in effect for multiple dwellings. Several setback and yard variances are required as well as a 27.3 percent increase over the permitted maximum development coverage. The proposed parking stall width is deficient, as is the courtyard width. The multi-family residence must be scaled back to conform to the R-2 bulk standards.

2 The Village shall be satisfied that the proposed multiple dwelling complies with the general conditions for special permit uses outlined in Section 1006, as well as the supplemental standards for this use included in Section 1008.

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3 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is seeking a 27.3 percent increase over the maximum permitted development coverage, as well as setback and yard variances. The ability of the existing infrastructure to accommodate increased residential density is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development.

4 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along Calvert Drive and Crest Court, 50 feet south and 150 feet west of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Town of Ramapo must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of April 27, 2016.

6 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

7 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

8 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

9 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village fire inspector or the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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10 The parking area is awkwardly configured. The narrow parking spaces and the minimal area provided for vehicles to maneuver in to and out of parking spaces raise safety concerns. Since a turnaround area is not provided, a vehicle parked in space 6 will have to execute several turning maneuvers to exit the space, as well as have to back towards the steps and sidewalk area, creating an unsafe condition. The fact that the driveway entrance is not clearly defined exacerbates the safety deficiencies. As noted above, the proposal must be scaled back so that it conforms to all applicable standards. By decreasing the number of units, less parking spaces will be required, and the development coverage and floor area ratio will be reduced. In addition, on site amenities such as playground facilities and seating areas will be possible.

11 It will be difficult for vehicles parked in spaces 3 and 4 to exit if sanitation workers are emptying the dumpster. As currently configured, the location of the dumpster enclosure is not in compliance with Section 1008.C The dumpster enclosure must be moved to a more accessible location.

12 There shall be no net increase in the peak rate of discharge from the site at all design points.

13 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

14 Map notes and a vicinity map must be added to the site plan

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services

Anthony R. Celentano P.L.S.
Town of Ramapo

Hillel Kahan

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

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

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

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.