Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 2, 2019

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

Tax Data: 49.15-1-3.4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 10/18/2018 **Date Review Received:** 11/27/2018

Item: ***CRESTWOOD ESTATES/10 CREST COURT (K-18E)***

Special permit and site plan applications for a 36-unit, multi-family development on 1.436 gross acres (1.413 net acres) in a PD zoning district. Front yard, side setback, total side setback, rear setback, development coverage and floor area ratio variances are required for the special permit and site plan proposal.
West side of Crest Court, approximately 150 feet north of Calvert Drive

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:

***Disapprove**

1 By definition, special permit uses are subject to a higher standard of review. We do not believe that the proposed multi-family development complies with the general conditions outlined in Section 1006. The applicant is seeking a 107 percent increase over the generous maximum permitted floor area ratio and a 22 percent increase over the maximum allowable development coverage, as well as several yard and setback variances ranging from 34 to 91 percent. An overall residential density of almost 26 units per acre is proposed. This is significantly denser than many of the surrounding single-family neighborhoods in the adjacent Town of Ramapo. It is also not fully compliant with the individual standards for multiple dwellings listed in Section 1008. While lawn areas and walking paths are indicated on the site plan, suitably equipped recreation spaces and group seating areas are not shown. The proposed multi-family development must be scaled back so that it conforms to the requisite special permit standards in Article X.

2 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 ability of the existing infrastructure to accommodate increased residential density in oversized buildings 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. The building footprints and the number of residential units must be reduced to more closely conform to the special permit standards and the PD bulk requirements.

The following comments address our additional concerns about this proposal.

3 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along the southern property line 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

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

5 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

6 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of December 17, 2018, particularly with regard to the designated Federal Wetlands on the site.

7 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained. The western half of the southern building is proposed to be constructed within the delineated wetland area.

8 Our mapping records indicate that most of the site is within designated Federal Wetlands. The wetland delineation on the Layout Plan specifies only 2,041 SF of land area. Additional information must be provided to clarify the extent of the Federal Wetlands.

9 The applicant must comply with the conditions of the Rockland County Highway Department's letter of December 3, 2018.

10 The proposed multi-family residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code

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11 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Kaser Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises. Emergency access to this site and the multi-family development to the north is a concern as Crest Court is the only road serving these lots. It will also be difficult to for emergency vehicles to access the rear of the proposed buildings

12 As noted above, Crest Court will provide the sole access to the proposed 36-unit development and the existing 50-unit development. A dead-end street serving as the only access to 86 units is unsafe. A secondary access must be provided.

13 The applicant must consider improving the on-site circulation by reversing the entrance and exit, and providing one-way directional signs.

14 A variance is required for parking stall width and length as 8-feet wide and 18-feet long spaces are shown on the Layout Plan where 9-feet by 20-feet is required.

15 All proposed building entrances, exterior stairways and window wells must be delineated on the site plan demonstrating that they will not impact yard requirements for the site.

16 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents.

17 Minimal landscaping is proposed for the multi-family development. Additional plantings shall be provided along the southern property line to shield the view from the single-family residences in the adjacent Town of Ramapo.

18 Pervious pavers must be considered to reduce the extent of the variance required for development coverage.

19 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

20 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

22 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.

23 A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

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24 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of $2,000 per day.

25 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

26 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Deputy Mayor David Neiman, Kaser
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Department of Highways
United States Army Corps of Engineers
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Brooker Engineering, PLLC
Town of Ramapo

Israel Neiman

Rockland County Planning Board Members

**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.