



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

September 10, 2014

ARLENE R. MILLER
Deputy Commissioner

New Square Village Board
766 North Main Street
Spring Valley, NY 10977

Tax Data: 42.19-3-52 42.19-3-51

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 8/4/2014

Date Review Received: 8/11/2014

Item: *NEW SQUARE NS48 (NS-9B)*

Special permit application to allow more than four units in a multiple dwelling in the LDR zoning district. Site plan for a multiple dwelling development consisting of 48 units in four, three-story buildings on 2.32 acres. A 1.95-acre parcel is located in the HDR zoning district; the .37-acre parcel is in the LDR zoning district.

East side of Polnoya Road, 115 feet north of Mezritch Road

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 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. This area of the Town is zoned R-35, a low-density residential district characterized by single-family residences on 35,000 SF lots. The maximum permitted residential density in this zone is 1.24 units per acre. The applicant is proposing a residential density of almost 21 units per acre. 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

NEW SQUARE NS48 (NS-9B)

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.

2 A special permit is required to allow more than four units in a multi-family dwelling if it is located in an LDR zoning district. One building containing 15 units is partially located on Lot 52. Six units are fully contained on this parcel and three additional units straddle the zoning district line. The .37-acre parcel exceeds the 8,400 SF minimum lot area requirement by almost 92 percent. Five on-site parking spaces are located in the LDR portion of the overall site. This is in compliance with the parking standard of 1/2 a space per unit. The Village Board must be satisfied that this special permit use conforms to the standards outlined in Sections 3.3.1. through 3.3.4. of Local Law No. 1 of 1967.

3 Since the minimum lot area requirement is 2,800 SF per unit in the HDR zoning district, only 30 units are permitted on Lot 51. There are currently 3 buildings containing a total of 33 units on this parcel. More than half of a fourth building is also located on Lot 51. The applicant is seeking more than a 30 percent increase over the maximum number of units permitted on this 1.95-acre site. The number of units in the HDR portion of this site must be limited to thirty to conform to the zoning district bulk standards.

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

5 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.

6 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 (August 2010) and local ordinances.

7 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

8 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of August 25, 2014.

9 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

NEW SQUARE NS48 (NS-9B)

10 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

11 It appears that the 42 parking spaces are undersized. The length of each parking space within the lot lines is 18 feet. Local Law No. 1 of 1967 specifies that a parking space must be 22 feet long. The macadam area containing the parking spaces extends beyond the property line. Vehicles will have to reverse out of these spaces into Polnoya Road. All parking must be completely contained on-site and configured so that vehicles do not reverse into the public right-of-way.

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

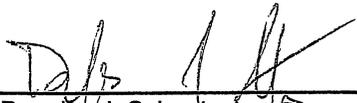
13 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village Fire Inspector and the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

14 A landscaping and lighting plan shall be submitted for our review.

15 Additional evergreen landscaping shall be planted along the municipal boundary to buffer the residents of the adjacent low-density neighborhood in the Town of Ramapo.

16 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line.

17 It is unclear if the grass areas proposed throughout the development will contain any amenities such as playground equipment and seating. Given the size of the proposed units, there is likely to be a large number of children living in these buildings. Appropriate recreational facilities must be provided for the use and enjoyment of the future residents.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Mates Friesel, New Square
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Brooker Engineering, PLLC
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Moleston Fire District
Ami Golubtchik

NEW SQUARE NS48 (NS-9B)

**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.