

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 20, 2016

New Square Planning Board
37 Reagan Road
New Square, NY 10977

Tax Data: 42.19-3-51

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

Map Date: 4/29/2016

Date Review Received: 6/14/2016

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

Site plan for a community center to serve the residents of a 48-unit multiple dwelling development on 2.317 acres in the HDR and LDR zoning district. The community center is proposed on the 1.95 acre parcel in the HDR zinging district. The residential development is currently being constructed. 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:

****Disapprove***

1 In our September 10, 2014 GML site plan review of the multiple dwelling development, we questioned whether the grassed areas scattered throughout the site would contain any amenities such as playground equipment or seating. Given the size of the proposed units, we noted that there is likely to be a large number of children living in these buildings. We recommended that appropriate recreational facilities be provided for the use and enjoyment of the future residents. The community center is now proposed on the largest grassed area. While the Village of New Square's Zoning Code does not include a development coverage standard, the building footprints and parking areas for approved 48-unit housing development will result in a great amount of impervious surface area. It is inadvisable to eliminate this area of open space especially since a lot area variance was required for the housing proposal. In addition, we questioned whether the proposed parking spaces were undersized and noted that vehicles will have to reverse directly onto Polnoya Road. The four structures containing the 48 residential units and the 42 parking spaces result in an almost completely developed site. We are not in favor of any additional construction on this site. The community center shall not be permitted.

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2 It is not possible to evaluate this application based on the materials submitted. A project narrative must be submitted that contains specific details about the proposed community center including the square footage, building height and the facilities provided. The map included with the application materials is titled Site, Grading, Utility, and Details Plan; it is Drawing No. 2. It does not include the entire site so the community center cannot be considered in the context of the larger development. The map does not contain a bulk table so it is not possible to determine if the proposed accessory use complies with the HDR zoning district bulk standards. A complete application must be submitted for our review.

The following comments address our additional concerns about the site plan.

3 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 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 The applicant shall comply with the conditions of the Rockland County Sewer District # 1's letter of June 17, 2016.

5 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.

6 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.

7 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.

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

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

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

11 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.

12 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.

13 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.

14 The community center building is proposed on a portion of Lot 42.19-3-51. The site plan notes specify Lot 42.19-3-52. Both parcels are listed on the application form. All application materials must be consistent. The correct tax identification number shall be indicated on all materials submitted. If the public hearing notice did not list the correct tax parcel, then it will have to be corrected and re-issued.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Israel Spitzer, New Square
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
Moleston Fire District

Brooker Engineering, PLLC
Town of Ramapo

Ami Golubtchik

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.

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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.