

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 24, 2017

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

Tax Data: 42.19-1-60

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

Map Date: 1/25/2017

Date Review Received: 2/9/2017

Item: **66 REAGAN ROAD (SPRING KNOLLS NORTHWEST III) (NS-16)**

Special permit and site plan for a proposed three-story, eight-unit, multi-family dwelling located in the LDR zoning district on .22 acres. Variances for minimum front yard clear, side yard clear, parking spaces, and maximum floor area ratio are also required.

Northeast corner of Bush Lane and Reagan 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 approximately 330 feet northeast of the property line of the site. As required under Section 239nn of the State General Municipal Law, the Town of Ramapo must be given the opportunity to review the proposed site plan and special permit and provide any concerns related to the project to the Village of New Square.
- 2 The comments in the February 22, 2017 letter from the Rockland County Department of Health must be met.
- 3 A review must be completed by the County of Rockland Sewer District #1, all comments addressed, and required permits obtained.

66 REAGAN ROAD (SPRING KNOLLS NORTHWEST III) (NS-16)

4 The Village must ensure that all requirements of Article III, Sections 3.3.1 through 3.3.4 of Local Law No. 1 of 1967 for special permit uses are met, since more than four units are being proposed.

5 Permitting development that does not comply with the applicable use or 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 mixed-use development 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 must be reduced in size, and the number of units reduced, so that all of the yard requirements are attainable, sufficient parking can be provided, and the need for the floor area ratio variance is eliminated.

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. 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.

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

9 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.

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



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

Atzl, Scatassa & Zigler P.C.
Town of Ramapo Planning Board

**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.*

66 REAGAN ROAD (SPRING KNOLLS NORTHWEST III) (NS-16)

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.

