

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

October 6, 2017

New Square Zoning Board of Appeals
37 Reagan Road
New Square, NY 10977

Tax Data: 42.19-3-52

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

Map Date: 2/16/2017

Date Review Received: 9/6/2017

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

Variations to permit a two-lot subdivision of 2.3171 acres in an HDR zoning district. A 48-unit multiple dwelling development, consisting of four buildings, has been constructed on the site. Each lot will contain two buildings. Lot 1 will require variations for lot area, front yard, side yard and back yard. Lot 2 needs lot area and front yard variations.

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 a manner that is supportive of the goals and objectives of the general area.

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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 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 on undersized parcels 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.

3 As noted in the HDR bulk standards, "a 30 foot wide buffer is required along municipal boundaries, 20 feet of which is to be landscaped with evergreens with a minimum height of 6 feet." The subdivision plat shows a 30-foot wide screening buffer along the Ramapo municipal boundary. A note references Filed Map #8052. The evergreen vegetation required in the buffer area must be illustrated on the plans.

4 The subdivision must comply with Section 7-730 (4) of the New York State Village Law which requires the reservation of parkland on subdivision plats containing residential units.

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

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

7 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.

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

9 It is unclear whether this assemblage is in two different zoning districts. Our tax lot database specifies that the land area within the former Lot 42.19-3-52 is in an LDR zoning district. The land area within the former Lot 42.19-3-51 is zoned HDR. The zoning designation for the 2.3171-acre assemblage must be clarified.

10 A project narrative must be submitted that provides additional details about the unit count in each building. It is not possible to evaluate the adequacy of the on-site parking without this information.

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 Page 10 of the application contains questions related to area variances. "Not applicable" or no answer is provided for Questions 1 through 7. Given that this is an application for area variances, these questions must be answered with a justification for granting the variances.

13 Map Note 17 indicates that the water supplier is United Water New York. The application form also specifies United Water. This information must be corrected to reflect that SUEZ is the water supplier. Since Note 17 is repetitive of Note 9, it can be eliminated.

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14 The date of the Bush Lane Extension Subdivision Plat filing must be corrected in Map Note 25.

15 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.

16 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.

17 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: Mayor Israel Spitzer, New Square
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Moleston Fire District
United States Environmental Protection Agency
New York State Department of Environmental Conservation

Brooker Engineering, PLLC
Town of Ramapo

New Square NS48 HDFC, Inc.

**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.

