



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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

C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

July 10, 2012

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 50.19-1-71 50.19-1-70 50.19-1-55-67 50.19-1-47 50.19-1-46 50.19-1-44
 57.07-1-19 57.07-1-2

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 1/19/2012

Date Review Received: 6/20/2012

Item: *PASCACK MEADOWS (R-835C)*

Amended 40-lot average density subdivision of 18.5 acres in an R-15 zoning district.
East and south side of Ewing Avenue, west side of Pascack Road

Reason for Referral:

Pascack Brook, Town of Clarkstown, Village of Spring Valley, Federal wetlands

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 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 2 The road connection from Spring Brook Road to Ewing Avenue via Mendelson Road must be clearly illustrated on the subdivision plat. As currently depicted on Drawing Numbers 1 and 2 (Amended Final Subdivision Plat), it appears that Spring Brook Road is the only access to the proposed subdivision.
- 3 An updated review shall be completed by the Rockland County Drainage Agency and all required permits obtained.
- 4 An updated review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

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5 The Town of Clarkstown and the Village of Spring Valley are two of the reasons this proposal was referred to this department for review. The Clarkstown municipal boundary is along the southern property line of the site. The Spring Valley municipal boundary is along the western 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 recently 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 Village of Spring Valley 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 Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

In addition, the applicant must address the comments and concerns included in the Town of Clarkstown's July 9, 2012 letter.

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

7 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.

8 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.

9 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.

10 A review must be done by the Rockland County Department of Health to ensure compliance with the County's Mosquito Code.

11 An updated review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

12 An updated review must be completed by Orange and Rockland Utilities (O & R) given that a large detention basin and significant grading are proposed within their right-of-way. O & R must be satisfied with the location of the proposed detention basin, drainage easement, sanitary sewer easement and water easement, as well as the grading within their right-of-way. Permission to proceed must be granted by O & R.

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

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14 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. All major subdivisions, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities. RCDOH must also review and approve all public water supply improvements, e.g., water main extensions, including those required to serve a proposed major subdivision. 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.

15 The Ramapo Town Board granted the applicant the right to proceed with an average density layout for this subdivision in March of 2002. A 2.9-acre park was proposed in the northeast corner of the site as part of the average density subdivision. At that time, Section 376-43 of the Town of Ramapo's Zoning Code was entitled "Average Density." This section of the Zoning Code is now entitled "Clustering." It contains very specific objectives with regard to protecting environmentally sensitive and topographically difficult undeveloped land, as well as valuable natural assets. It further states that "cluster development promotes conservation of open space protecting its attributes and beauty." A dozen specific features are listed for protection through cluster development in Section 376-34.B.2.a through l.

While two parcels are to be dedicated to the Town of Ramapo in the current proposal, it is unclear if either parcel is intended as parkland or open space. Lot 41 will be 3.04 acres and will contain a large detention pond that will serve as a stormwater management facility. Its remaining area is compromised by a 100-foot wide Orange and Rockland utility easement and a 10-foot wide sanitary sewer easement. The Pascack Brook runs along the eastern boundary of this parcel. Access will be from Mendelson Road. Lot 42, which will be 1.24 acres, borders the 100-foot wide Orange and Rockland utility easement and federal wetlands along its western boundary. The Pascack Brook also runs along the eastern boundary of this parcel with access from Pascack Road.

The project narrative must include a detailed explanation of how the clustering objectives contained in Section 376-43 are achieved in the proposed subdivision. The benefits beyond stormwater management must be discussed. It must be clarified if open space preservation or dedicated parkland are proposed.

16 Proposed Lot 35 is compromised by the 100-foot wide Orange and Rockland Utilities easement and a transmission tower, as well as the Pascack Brook and the 100-year floodplain. These constraints render much of the lot area unusable for the future property owners. This lot should be eliminated and the land area included in proposed Lot 42 to be dedicated to the Town of Ramapo.

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17 Proposed Lot 40 is isolated due to its proximity to the 100-foot wide Orange and Rockland Utilities easement, a transmission tower, the Pascack Brook, the 100-year floodplain and a proposed detention basin. It is surrounded by land area to be dedicated to the Town of Ramapo. Lot 40 should be eliminated and its land area included in Lot 41 thereby creating a more continuous open space area.

18 It is unclear why Lot 50.19-1-47 is being relocated. The project narrative must address this issue. This lot was not part of the original subdivision proposal. If it was acquired in order to connect Mendelson Road to Ewing Avenue and eliminate the need for a bridge over the Pascack Brook to Pascack Road, it cannot also be a buildable lot. A single-family residence is shown on this parcel on Drawing Numbers 4, 6 and 11, yet it is not identified as one of the 40 new residential lots. This lot must be eliminated. The 13,784 SF contained in this parcel shall be included in the land area to be dedicated to the Town of Ramapo creating a more continuous area of open space.

19 The land area of proposed Lot 42 must be clarified. Drawing No. 1 (Amended Final Subdivision Plat) indicates that it is 53,796 SF. The bulk table on the same drawing lists the lot area as 124, 273 SF. This discrepancy must be addressed.

20 The lot numbers for each proposed parcel must be listed on every drawing. The isolated portion of Lot 41 at the southeast corner of Ewing Avenue and Mendelson Road is not identified on Drawing Numbers 4, 6 or 11. Lot 42 is not identified on Drawing Numbers 3, 5 or 10.

21 The previous GML submission for this subdivision included a set of drawings dated February 24, 2004. These drawings showed a federal wetland area on proposed Lot 26 and the extension of Spring Brook Road. This wetland area is not depicted on the January 9, 2012 drawings included with the current submission. An explanation must be provided.

22 Lot 57.07-1-2 must be listed in General Note #1 on Drawing No. 1 (Amended Final Subdivision Plat).



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
Orange and Rockland Utilities
Rockland County Office of Fire and Emergency Services
Atzl, Scatassa & Zigler P.C.
Town of Clarkstown, Village of Spring Valley

Alex Goldberger, VP

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

