



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

September 16, 2013

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.12-2-52

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

Map Date: 8/8/2013

Date Review Received: 8/23/2013

Item: *VIOLA ESTATES (R-1682G)*

Two-lot subdivision of 11.16 acres in the R-25 and MR-8 zoning districts. An existing synagogue and religious school will remain on the 5.66-acre site in the R-25 zoning district. A site plan application has been submitted for the 44-unit, multi-family development proposed on the 5.5 acres in the MR-8 zoning district.

South side of Viola Road, 955 feet east of Route 306

Reason for Referral:

Viola Road (CR 74), Village of New Hempstead

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***

On April 10, 2013, this department issued a GML review recommending disapproval of the zone change petition for the western half of this property. In our review, we noted that the permitted density in the MR-8 zone is 4.6 times or 360 percent greater than the R-25 maximum of 1.74 units per acre. Given that the R-25 lots to the east, south and southwest are conforming in terms of lot area, we believed that a nearly five-fold increase in residential density would be greatly inconsistent with the community character of the surrounding single-family neighborhood in the Town of Ramapo. In addition, the residential uses permitted by right in the adjacent municipalities are single-family dwellings in Spring Valley, and one- and two-family residences in New Hempstead. Given all these considerations, we recommended that the zone change be denied.

The Town Board overrode our recommendation, and granted the zone change petition on July 10, 2013. While we are not opposed to the subdivision proposal currently before us, we believe that the future development plans for the newly re-zoned portion of the site must comply with all applicable MR-8 bulk requirements. The applicant is not proposing a transitional increase in density. In fact, a non-conforming, multi-family housing development with the maximum permitted

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residential density is proposed. Several yard and setback variances are required. The minimum separation distance between buildings is not achieved giving rise to firematic safety concerns. Traffic impacts are also not addressed. This is one of several issues raised in the Rockland County Highway Department's letters of March 18, 2013, July 12, 2013 and September 11, 2013. The applicant must scale back the multi-family development so that the MR-8 bulk requirements are achieved.

We offer the following recommendations on the proposed two-lot subdivision and the site plan application.

- 1 The applicant must comply with the conditions of the County of Rockland Department of Highways' letter of September 11, 2013. All required permits must be obtained
- 2 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.
- 3 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Viola Road directly north 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 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 New Hempstead 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 New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 As noted above, the zoning designation of the western 5.5-acre portion of the site has been changed to MR-8. The proposed multi-family development includes 44 dwelling units in twenty buildings. The maximum density of eight units per acre is proposed. The proposed Floor Area Ratio of .75 is also the maximum allowed in the MR-8 zoning district. While this 5.5-acre site can yield 44 units, it is not a conforming proposal. Several yard and setback variances are required. The minimum building separation of thirty feet is not achieved. Most of the buildings are within 20 feet of each other. No on-site amenities are provided. The proposal must be scaled back to meet all of the MR-8 bulk requirements. By eliminating some of the buildings and reducing the number of units, the applicant can create a true community by including features like a playground and seating areas where residents can interact.

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

6 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.

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- 7 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.
- 8 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.
- 9 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.
- 10 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.
- 11 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- 12 An updated review of the August 8, 2013 site plan must be completed by the County of Rockland Sewer District #1 and all required permits obtained. The applicant must comply with the conditions of the Sewer District #1's letter of April 3, 2013.
- 13 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Inspector and the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 14 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 15 Fields of illumination from proposed on-site lighting sources shall be shown on the Landscaping and Lighting Plan, and shall not extend beyond the property line into the County road.
- 16 The Landscaping and Lighting Plan depicts plantings in parking areas and driveways, and on top of several residential buildings and refuse containers. In addition, a fire hydrant is shown in the middle of the southern parking area near Building 19. These errors must be corrected.
- 17 It is unclear how sanitation workers will access the refuse containers that are currently located behind the residential buildings. This must be clarified.

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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Leonard Jackson Associates
Village of New Hempstead
New York State Department of State,
Division of Code Enforcement and Administration
Ephraim Grossman

**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.