



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

March 14, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.16-1-34 49.16-1-33 49.16-1-32 49.20-2-2 49.20-2-1

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

Map Date: 1/28/2014

Date Review Received: 2/11/2014

Item: *BLUEBERRY COMMONS (R-2082B)*

Site plan for a 164-unit residential condominium complex on 16.84 gross acres (13.71 net acres) in an MR-12 zoning district.

East side of Route 306, south side of Edison Court, and north and south sides of Kearsing Parkway

Reason for Referral:

NYS Route 306, Villages of Spring Valley and Kaser, 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 The subject site was one of several sites originally identified in the Town of Ramapo's Comprehensive Plan as appropriate for multi-family housing. Several multi-family housing zones were created to fulfill the need for denser residential development within the Town. These multi-family zoning districts allow for significantly greater residential density than previously allowed in the Town. This parcel was rezoned as MR-12 (Multi-family/maximum 12 units per acre). Given the thorough analysis undertaken during the Comprehensive Plan process, we do not believe that any new construction proposed for these multi-family housing sites should require bulk variances.

While the gross lot area of the subject site area is 16.84 acres, the net lot area is 13.71 acres due to deductions for environmental constraints including the 100-year floodplain and steep slopes, as well as the designated street line. The applicant is proposing the maximum residential density and close to the maximum permitted development coverage. The maximum floor area ratio is exceeded by almost 23 percent. The proposal fails to meet the minimum parking standard requiring a variance of nearly 13 percent. In addition, several yard and setback variances are required. Given the location of this site on a heavily traveled state highway, and the environmental constraints, we recommend that this proposal be scaled back to more closely conform to the MR-12 bulk standards.

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2 A portion of the subject site previously served as recreational space for the adjacent Blueberry Hill multi-family development. We believe that this space was included in the minimum lot area and residential density calculations for the Blueberry Hill project. If that is the case, further development of these lots may not be allowed. The Village of Spring Valley's Building Department may be able to provide additional information or clarification. This application shall not proceed until the Village of Spring Valley responds to this query.

3 A review shall be completed by the New York State Department of Transportation and all required permits obtained.

4 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

5 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.

6 Drawing Number 3, the Grading Plan Overview, indicates that construction is proposed within the 100-year flood plain. Ten of the 23 buildings are partially or completely within the floodplain area. The project narrative does not address whether the construction of these buildings is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency. The Floodplain Administrator for the Town of Ramapo shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

7 It appears that retaining walls are proposed along the western side of the detention basin and along the Route 306 frontage. Wall elevations must be provided for both the top and bottom of the proposed walls so that the wall heights can be determined. This information is not indicated for the walls along the detention basin, and is illegible for the other walls.

8 The applicant must comply with the conditions of the Rockland County Health Department's letter of February 18, 2014.

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

10 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.

11 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.

12 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.

13 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

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. 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.

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15 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.

16 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town's fire inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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

18 The Villages of Spring Valley and Kaser are two of the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is along the eastern property line of the site; the Kaser municipal boundary is 250 feet west and 260 feet south 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 Villages of Spring Valley and Kaser 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 Villages of Spring Valley and Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

19 A landscaping and lighting plan shall be submitted for our review.

20 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the state road.

21 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

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22 The previous multi-family development proposal contained more on-site amenities including a community clubhouse and a stormwater management system with open space, water features and walking paths. The current proposal includes two 5,000 SF play areas, each located between two multi-family buildings. It is unclear if any amenities such as playground equipment or seating areas are proposed. We believe one larger, stand-alone recreation area is preferable. This would allow for a more open and aesthetically-pleasing space, and no immediately adjacent residential units would be disturbed by noise.

23 The Site Plan Overview (Drawing Number 2) shows all of the proposed residential buildings. There are a total of 23 buildings. Some of the buildings are incorrectly numbered. There are two buildings labeled "Building 4," and two buildings labeled "Building 8." None of the buildings are labeled "Building 22" or "Building 23." This must be corrected.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
United States Army Corps of Engineers
New York State Department of Environmental Conservation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
United Water of New York
Rockland County Planning Board
Leonard Jackson Associates
Villages of Spring Valley and Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Moishe Silberstein

**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.