



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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

EDWIN J. DAY  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

May 5, 2014

ARLENE R. MILLER  
Deputy Commissioner

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 50.13-3-30      50.13-3-27      50.13-3-26

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 2/27/2014

**Date Review Received:** 4/3/2014

**Item:** *SUBDIVISION FOR BLUEFIELD EXTENSION (R-2421)*

Four-lot subdivision of 1.055 acres in the R-15 zoning district. A multi-family development is proposed, consisting of ten townhomes with one accessory apartment in each.

East side of Union Road, opposite Bluefield Drive and 360 feet south of Eckerson Road

**Reason for Referral:**

Village of Spring Valley, Eckerson 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:

***\*Disapprove***

On October 23, 2013, this department received a GML referral from the Town of Ramapo for a use variance to permit the proposed multi-family development in the R-15 zoning district. The Town and the applicant's attorney, Ira Emanuel, were informed that the application contained conflicting information. As a result, the application was withdrawn from the November ZBA agenda and adjourned to the December meeting. This department was informed of this decision by Ira Emanuel in a November 20, 2013 email, and advised that the proper materials would be submitted to all agencies. This department did not receive any new information on this proposal until an incomplete and inaccurate subdivision application was submitted on March 4, 2014. A GML review was never issued for the use variance despite the reference to such a review in the January 30, 2014 ZBA resolution. The use variance application must be submitted for our review so we can evaluate the applicant's demonstration of financial hardship, and the other criteria that must be met to justify a use variance.

The proposed subdivision results in four oddly-configured lots that do not conform to the R-15C bulk standards used as a reference, or the actual R-15 zoning designation. According to the bulk table and project narrative, lot width, street frontage and rear setback variances are required for all four parcels. Three of the four lots require maximum development coverage variances ranging

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from 18 to 36 percent. The bulk standard non-conformities are compounded by the fact that townhomes are not a permitted use in the R-15 or R-15C zoning districts. This type of residential development is only permitted in Ramapo's multi-family and mixed-use zones. We are not in favor of the proposed subdivision or the multi-family development.

Furthermore, it is unclear why four lots are proposed, except as an attempt to make the proposal "conform" to the zoning district bulk and use regulations. However, five-family, semi-attached dwellings are not a permitted use in the R-15 or R-15C zoning districts. The lot lines seem to criss-cross the proposed development layout haphazardly, with no regard for parking or other design factors. To create four lots with the proposed layout, easements must be provided for access, parking, play areas, dumpsters, utilities and the stormwater management system. A more logical layout must be configured.

As presented, this proposal will result in a gross overutilization of the 1.05-acre site and is inconsistent with the community character of the surrounding neighborhood. A residential density of 21 units per acre is proposed. Currently, one- and two-family residences are the predominant land use on Union Road, Ibeck Court, Stetner Street, Jacaruso Drive and Zuba Lane. While multi-family developments are located to the south and east of the subject site, and three-family, semi-attached residences make up the Bluefield Gardens development, this denser residential development is not the predominant land use.

If the Town of Ramapo Planning Board overrides our recommendation to disapprove the four-lot subdivision, we offer the following comments on the subdivision proposal.

1 The Villages of Spring Valley and New Hempstead are two of the reasons this subdivision application was referred to this department for review. The Spring Valley municipal boundary is along the southern property line of the site and along Union Road directly adjacent to the site, as well as 175 feet east of the site. The New Hempstead municipal boundary is 410 feet northeast 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 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 Villages of Spring Valley and New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 Cross easements must be depicted on the subdivision plat for access, parking, play areas, dumpsters, utilities, and the stormwater management system for all of the lots.

3 Designated parking spaces must be assigned to each residential unit, and clearly identified in the field.

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- 4 A site plan must be submitted showing all features including sidewalks, steps, decks, porches, etc.
- 5 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- 6 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.
- 7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 8 A review must be completed by the County of Rockland Department of Health and all required permits obtained.
- 9 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 10 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.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 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.
- 13 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.
- 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.
- 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 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.

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- 17 A landscaping and lighting plan shall be submitted for our review.
- 18 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the county road.
- 19 The long narrow play area that extends from the flag section of the site to Union Road along the driveway access must be properly secured to ensure resident children's safety. Its location close to a heavily traveled road and far from the residential units raises safety concerns.
- 20 It is unclear if parking space # 27 is a handicapped space. This must be clarified. If it is a handicapped space, a more proximate location to the residential units must be provided.
- 21 Map Note # 4 shall be corrected to reflect that three existing lots are included in the proposed subdivision.
- 22 Map Note # 7 must be corrected to indicate that the plat conforms to Section 239n of the General Municipal Law as Section 239k no longer exists.
- 23 Map Note # 25 shall be eliminated as it is incorrect and repetitive of Map Note # 7.
- 24 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

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

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Rockland County Drainage Agency  
New York State Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Anthony R. Celentano P.L.S.  
Villages of Spring Valley and New Hempstead  
New York State Department of State,  
Division of Code Enforcement and Administration  
Lesser Gross

Rockland County Planning Board Members

*\*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.*