COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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November 12, 2014

Ramapo Town Board
237 Route 59
Suffern, NY 10901

Tax Data:

50.07-1-1	50.07-1-10	50.07-1-9	50.07-1-18.1	50.07-1-7	50.07-1-6
50.07-1-4	50.07-1-3	50.07-1-2	50.19-1-66	50.19-1-65	50.19-1-64
50.19-1-63	50.19-1-62	50.19-1-61	50.19-1-60	50.19-1-59	50.19-1-58
50.19-1-67	50.19-1-56	50.19-1-48	50.19-1-55	50.19-1-57	50.19-1-70
50.19-1-71	50.19-1-44	50.19-1-47	50.19-1-69	50.19-1-45	50.19-1-49
50.19-1-50	50.19-1-51	50.19-1-52	50.19-1-53	50.19-1-72	50.19-1-68
50.19-1-46	57.07-1-19	57.07-1-2			

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 9/15/2014 **Date Review Received:** 10/20/2014

Item: ***RAMAPO COMPREHENSIVE PLAN & ZONING MAP AMENDMENTS/PASCACK RIDGE (R-2040D)***

Amendments to the Comprehensive Plan and Zoning Map to change the zoning designation of 28.5 acres from R-15 to MR-12 to allow denser residential development.
West side of Pascack Road; south and east sides of Ewing Avenue

Reason for Referral:

Pascack Brook, Town of Clarkstown, Village of Spring Valley

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**

As indicated above, the proposed amendments to the Town of Ramapo's Comprehensive Plan and Zoning Map are subject to a General Municipal Law (GML) review by this department because the Pascack Brook, a county stream, flows through the subject site, and the Town of Clarkstown and the Village of Spring Valley are immediately adjacent municipalities. We are issuing one GML review for these related actions even though the Comprehensive Plan amendment includes more parcels than the Zoning Map amendment. Since the recommendations of the Comprehensive Plan are typically implemented by the Zoning Law and Map amendments, all of the same properties must be included in both actions. In addition, while reviewing both proposals, we note

that Tax Lot 50.19-1-54 has not been included in either amendment despite its central location, and this must be corrected.

The September 8, 2014 draft amendment recognizes that the Town of Ramapo's Comprehensive Plan recommended that the R-15 zoning designation be retained in this area. The medium-density zoning was considered appropriate given the surrounding land use patterns within unincorporated Ramapo and the adjacent Town of Clarkstown. In the ten years since the Comprehensive Plan was adopted, the Town's population has increased substantially. As a result, there is a need for additional housing.

The Comprehensive Plan Amendment study indicates eight criteria that must be met in order for properties to be placed within a multi-family district. The proposed properties do not have access on either a State or County highway, but rather are served by local streets that meander through the neighborhoods. In addition, the site is encumbered by several environmental constraints, such as steep slopes, floodplains and a County stream. Lastly, though within walking distance, sidewalks are not available to Route 45, the closest location for community shopping and transit options from all streets, and are only intermittent at best. A resident living in portions of the proposed site would have to walk over a half mile to reach NYS Route 45, the distance determined to be the farthest people are willing to walk for transit or shopping uses. Since many of the criteria are not met with the proposed site, the comprehensive plan amendments to allow a multi-family district seems inappropriate.

It is noted in the Comprehensive Plan Amendment document that a traffic study has been completed by Harry Baker. The Rockland County Planning Department has not received a copy of this study, so a proper review cannot be undertaken. Since most of the traffic exiting the site will be traversing through the adjacent municipalities of the Village of Spring Valley and the Town of Clarkstown, those municipalities must also be provided with a copy of the study for their review. It is not known which local streets were included in the study, or the extent and distance that the study analysis covered. For example, did the study look at roads outside of Ramapo, or just within the town limits? The traffic study must be provided to all appropriate agencies.

The Pascack Ridge property owners are proposing a rezoning from R-15 to MR-12 in order to develop multi-family housing on this 28.5-acre assemblage. The properties are subject to both environmental and utility easement constraints. The Pascack Brook runs through the east side of the property. There are steep slopes along the site's western boundary and the Pascack Brook. A 100-foot Orange and Rockland utility easement with towers and high tension wires bisects the property. The Rockland County Sewer District No. 1 also has two ten-foot wide easements running through the site. In a letter dated October 27, 2014 in response to this proposal, the Sewer District states that these easements must be widened to 20 feet in order to maintain the sewers. No permanent structures can be built within the Sewer District easements. There are currently buildings proposed within five feet of the existing sewer easement. In addition, there are several other conditions contained in this letter. The Sewer District letter also notes that two lots are designated as Environmentally Sensitive Areas (ESAs) by the United States Environmental Protection Agency (EPA). The applicant cannot connect any buildings on these lots to sanitary sewers without obtaining a waiver of the EPA's grant condition which restricts sewer connections from ESA lots.

Interestingly, while the property owners are seeking a zone change, their multi-family housing proposal fails to meet many of the MR-12 bulk requirements or additional use requirements listed in Section 376-31. The Zone Change Build Out Plan contains 12 separate bulk tables with numerous and extensive variances for each of the proposed multi-family buildings. The on-site parking requirement of two spaces per unit is not achieved for any of the lots. A parking variance of nearly 31 percent is required since only 290 of the required 420 parking spaces are proposed.

Twenty-four of the 38 buildings depicted on the Build Out Plan do not meet the building separation requirement of 30 feet. The Build Out Plan does not show buffers along any of the property lines abutting less dense residential development.

While this department recognizes that denser residential development is preferred, we do not believe a four-fold increase in the permitted residential density is appropriate for this 28.5-acre assemblage particularly when the proposal requires numerous variances. The surrounding neighborhoods are characterized by a variety of housing types ranging from single-family homes in Hillcrest and Clarkstown, to one-, two- and three-family structures and multi-family housing in the Village of Spring Valley. The scattered multi-family sites in Spring Valley have densities between 10 and 36 units per acre. These sites range in size from 0.9 acres to 5.0 acres, and are significantly smaller than the subject site. There are also townhomes and condominiums in Ramapo and Clarkstown within 500 feet of the site with densities between four and five units per acre. As noted on the July 16, 2013 Units Per Acre map, The Hamlets in Clarkstown has a residential density of ten units per acre. However, this multi-family development fronts on a county road that feeds directly into Route 59. The traffic generated by this development is predominantly absorbed by a road system designed to accommodate greater traffic volumes. The same cannot be said of the roads proposed to serve Pascack Ridge. These local streets are not designed to handle this additional traffic.

As noted previously, the Town of Clarkstown is immediately south of the Pascack Ridge site. The Town of Clarkstown's Planning Board adopted a resolution opposing this proposal on November 5, 2014. The Town Board has also expressed serious concerns about the potential impacts of this development on the adjacent residential neighborhood in the Town of Clarkstown. The Town Board and the Planning Board believe the proposed density will result in overdevelopment and be out of character with the surrounding area. Their specific concerns include the adverse impact on the local street network, the East Ramapo School District, water resources and the natural environment. The resolution notes that the proposed subdivision connection to Spring Brook Road will create additional traffic traversing through local streets within Clarkstown, thereby undermining the residential character of the neighborhood. Since some Clarkstown residents attend the East Ramapo School District, they will be affected by the additional burden placed on that district. The resolution also addresses the impact of this development on limited water resources. The environmental constraints are noted with emphasis on the Pascack Brook as a source of flooding in the Town of Clarkstown. The Planning Board resolution calls for a full environmental review of this proposal as required under the New York State Environmental Quality Review Act (SEQRA). The Board recommends that the Town of Ramapo Town Board issue a Positive Declaration pursuant to SEQRA. This department concurs. A thorough environmental assessment is necessary given the density proposed, the physical on-site constraints and the potential impacts on neighboring municipalities.

The proposed amendments to the Comprehensive Plan and Zoning Map do not consider a more transitional zoning designation. Given the immediately proximate single-family neighborhoods to the north, east and south, as well as the residential density of the nearest multi-family developments in Ramapo and Clarkstown which ranges from four to five units per acre, an MR-12 zoning designation is inappropriate. We believe that a less dense zoning designation is more suitable for the environmentally-constrained Pascack Ridge site.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency

RAMAPO COMPREHENSIVE PLAN & ZONING MAP AMENDMENTS/PASCACK RIDGE (R-2040D)

Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Orange and Rockland Utilities
United States Environmental Protection Agency
Atzl, Nasher & Zigler P.C
Town of Clarkstown, Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Alan Berman, Deputy Town Attorney

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.