



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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August 11, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.20-3-66

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 6/29/2015

Date Review Received: 7/29/2015

Item: 23 OLD NYACK TURNPIKE (R-972A)

Four-lot subdivision of .99 acres in an R-15A zoning district. A detached, two-family residence with one accessory apartment is proposed on each parcel.

South side of Old Nyack Turnpike, approximately 135 feet west of Dykstra's Way West

Reason for Referral:

Old Nyack Turnpike (CR 52), Saddle River Road (CR 73), NYS Thruway, Villages of Chestnut Ridge and Airmont

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***

The subject site is located in an R-15A zoning district, a medium-density residential district in which accessory apartments are allowed. Detached, single-family residences are permitted on 15,000 SF lots; detached two-family residences are permitted on 20,000 SF lots. Semi-attached, single-family residences require a minimum lot area of 10,000 SF. The maximum permitted residential density ranges from 2.904 units per acre for detached single-family residences to 4.356 units per acre for semi-attached single-family and detached, two-family residences. The addition of one accessory apartment would increase the density to 5.81 units per acre for detached, single-family residences, 6.53 units per acre for detached, two-family residences and 8.71 units per acre for semi-attached, single-family residences.

This .99 acre site can yield two conforming lots of 15,000 SF or 20,000 SF. Four 10,000 SF lots are achievable. The applicant is proposing four lots ranging in area from 10,498 SF to 11,465 SF. This would be acceptable if semi-attached, single-family residences were proposed. The applicant is proposing a detached two-family residence with an accessory apartment of each of the four lots. Variances are required for lot area, lot width, side setback, total side setback, rear setback,

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street frontage and floor area ratio for all four parcels. The lot area variances range from 42.7 percent to 47.5 percent; the floor area ratio variances range from 55 percent to 80 percent. A development coverage variance is required for Lots 2, 3 and 4. Lots 3 and 4 need front setback and front yard variances. These lots do not have frontage on a public street.

The overall residential density of this proposal is 11.88 units per acre, significantly higher than the maximum permitted for any housing type in the R-15A zoning district. The number and the magnitude of the required variances are a clear indication that this proposal will result in a gross overutilization of the site. It is unclear whether fire trucks or other emergency vehicles can safely access this development. The number of lots must be reduced, as well as the number of units, to more closely conform to the R-15A bulk standards. The current proposal must be denied.

Listed below are additional concerns about the proposed subdivision that must be addressed.

- 1 Ingress and egress to the four lots is being proposed by a single access drive that contains most of the parking. Though General Note #33 indicates that a "blanket easement will be provided for shared access and utilities," cross access easements must be clearly indicated on the site plan so that ingress/egress can be legally achieved to all lots, especially lots #3 and #4. This lot area should not be included in the lot area, which would thereby further exacerbate the net lot area deficiencies.
- 2 All but two of the proposed parking spaces are located within the access drive. Vehicles backing out of the spaces will interfere with vehicles traveling in this drive. Of particular concern is that the parking spaces located closest to Old Nyack Turnpike could impede the access to other vehicles entering the site, impeding the safe and efficient flow of traffic along the County highway. These spaces nearest the County highway must be removed from the drive and relocated elsewhere.
- 3 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. As indicated above, the applicant needs development coverage variances for three of the four lots, and is seeking an increase of between 55 and 80 percent over the maximum permitted floor area ratio. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.
- 4 It must be demonstrated that emergency vehicles have suitable maneuverability on the site. An emergency vehicle movement plan must be provided to show that the largest fire trucks can access and maneuver within the site. The County of Rockland Office of Fire and Emergency Services and the Monsey Fire Department must review this plan to ensure that there are no issues for their emergency equipment or needs.
- 5 The garbage enclosures are located behind parking spaces, and will be impossible to access if vehicles are parked in these spaces. Alternate parking spaces must be provided in locations that are easily accessible at all times.
- 6 The grading plan is difficult to read, and several of the topographic lines do not seem to connect back into the existing topography. For example, the new topographic line at the southern portion of the lot, where it crosses the driveway, just ends, not tying back into any existing topography. The new topographic lines must clearly demonstrate the grading changes, and the elevations provided.

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- 7 Additional evergreen landscaping must be provided along the southern property line to help buffer the proposed development from the NYS Thruway, and to help shield any headlights from shining into the State right-of-way.
- 8 The two parking spaces located in the southwestern portion of the site will have to back out a significant distance before they can maneuver out of the parking spaces. A turnaround areas must be provided.
- 9 The bulk table indicates that five parking spaces are required for each lot. A total of 21 parking spaces are provided. However, the parking spaces are not all located on each individual lot. For example Lot #3 only contains three parking spaces, while Lot #2 contains seven parking spaces. All parking spaces must be contained on the lot to which they will serve, or parking easements must be provided.
- 10 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.
- 11 A review must be completed by the County of Rockland Department of Highways, particularly for the access into the site, and all required permits obtained.
- 12 The comments in the July 31, 2015 letter from the Rockland County Department of Health must be met.
- 13 The proposed subdivision must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 14 The Villages of Airmont and Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The municipal boundary for the Village of Airmont is located is approximately 450 feet southwest of the site, and the Village of Chestnut Ridge's boundary is approximately 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 Airmont and Chestnut Ridge 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 Airmont and Chestnut Ridge must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
- 15 To help reduce the extent of the variances required for development coverage, and to lessen the amount of stormwater runoff from the site, pervious pavers must be provided in the paved surfaces, such as in the parking lot.

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16 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 (January 2015) and local ordinances.

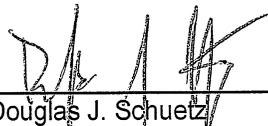
17 There shall be no net increase in the peak rate of discharge from the site at all design points.

18 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.

19 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

20 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

21 We request the opportunity to review any variances which may be necessary to implement the proposed subdivision.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo

Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Drainage Agency
New York State Thruway Authority
Monsey Fire District
Civil Tec Engineering & Surveying PC
Villages of Chestnut Ridge and Airmont
New York State Department of State,
Division of Code Enforcement and Administration
Steven Schulmann

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.