



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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July 2, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.15-3-39 49.15-3-34 49.15-3-33

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 5/26/2015

Date Review Received: 6/3/2015

Item: 6 - 8 CEDAR SUBDIVISION (R-2383F)

Five-lot subdivision of 1.12 acres in the R-15C zoning district. The assemblage consists of three existing parcels ranging in size from .37 to .40 acres. The applicant proposes to construct a three-family residence with three accessory apartments on each of the five lots. Multiple variances are required for each lot.

North side of Cedar Lane, west side of Crown Road

Reason for Referral:

Village of Kaser

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 minimum lot area requirement in the R-15C zoning district ranges from 10,000 SF for semi-attached one-, two- and three-family residences to 15,000 SF for detached one-, two- and three-family residences. The subject 1.12-acre assemblage can yield four conforming 10,000 SF lots or three conforming 15,000 SF lots. The applicant is proposing five lots, all of which are undersized. Four semi-attached three-family residences with three accessory apartments are proposed on lots ranging from 8,002 to 9,917 SF. A detached three-family residence with three accessory apartments is proposed on a 12,630 SF lot. Development coverage variances ranging from 5 to 42 percent are required for four of the five lots. The floor area ratio of each semi-attached residential building exceeds the permitted maximum of .90. Front yard and front setback variances are required for all of the lots. One lot will not have frontage on a public street.

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. The ability of the existing infrastructure to accommodate increased residential density on non-conforming, undersized lots is a countywide concern and must be evaluated. This evaluation must consider

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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.

The proposed subdivision and subsequent residential development will result in a gross overutilization of the site as evidenced by the number and magnitude of the variances required to implement it. The number of lots must be reduced, as well as the number of residential units. A proposal that more closely conforms to the R-15C bulk requirements must be presented for review.

We offer the following additional comments on the proposed subdivision.

1 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 190 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 Village of 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 Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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 applicant must comply with the conditions of the Rockland County Department of Health's letter of June 5, 2015.

4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of June 11, 2015.

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

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

7 All major subdivisions, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities.

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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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

9 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.

10 The only easement indicated on the subdivision drawings is a 15-foot utility easement to the Town of Ramapo. Cross easements will be required over all of the lots for access and the provision of utilities. These easements must be indicated on the final subdivision. Appropriate lot area deductions must also be calculated. The extent of the required lot area variances will increase as a result.

11 No playground equipment, seating or other amenities are shown in the play area. A centrally located, well-equipped recreational space will enhance the proposed residential community. Appropriate equipment shall be provided in the play area.

12 The proposed play area is intended to serve the entire residential development. Since it is not a separate lot but is partially located on both Lots 1 and 4, access easements will be required to allow all residents to use this amenity.

13 The dumpster enclosures must be easily accessible to sanitation workers. Parked vehicles must not block access to the dumpsters.

14 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.

15 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.

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

17 The applicant shall consider using pervious pavers in the parking areas to reduce the impervious surface area and extent of the variances required for development coverage.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Leonard Jackson Associates
Village of Kaser

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New York State Department of State,
Division of Code Enforcement and Administration
6 - 8 Cedar Holdings, LLC

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.