



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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February 4, 2015

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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: 12/9/2014

Date Review Received: 1/9/2015

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

Site plan for a 164-unit multi-family residential complex consisting of 101 townhouses and 63 flats 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. In addition, many 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 An updated review of the December 9, 2014 site plan shall be completed by the New York State Department of Transportation (NYSDOT) and all required permits obtained. The applicant shall comply with the conditions of NYSDOT's letter of April 3, 2014.

4 An updated review of the December 9, 2014 site plan shall be completed by the United States Army Corps of Engineers and all required permits obtained.

5 An updated review of the December 9, 2014 site plan must be completed by the New York State Department of Environmental Conservation and all required permits obtained.

6 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.

7 The January 21, 2014 Grading Plan Overview for this site plan application indicates that construction is proposed within the 100-year flood plain. Ten of the 24 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. The 100-year floodplain must be indicated on the current site plan and grading plan, as well as all future maps.

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8 The application form in the April 28, 2014 ZBA submission states that a flood storage project is also proposed to remove the 100-year floodplain from the site. No additional information has been provided about this flood storage project. It is unclear if the United States Army Corps of Engineers (USACOE) or the Federal Emergency Management Agency have reviewed and approved this plan. As noted in the Rockland County Drainage Agency's letter of April 24, 2014, the project area contains designated Federal Wetlands, PSS1Ch and PUBHh. As indicated in the Drainage Agency's letter, the USACOE must be contacted for a jurisdictional determination regarding the proposed activity.

9 The applicant must comply with the conditions of the Rockland County Health Department's letter of January 6, 2015.

10 An updated review of the December 9, 2014 site plan must be completed by the Rockland County Sewer District No. 1 and all required permits obtained.

11 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.

12 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of April 24, 2014.

13 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.

14 An updated review of the December 9, 2014 site plan 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.

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

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 (August 2010) and local ordinances.

17 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.

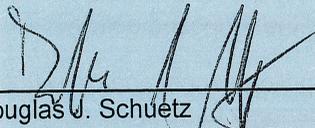
18 There shall be no net increase in the peak rate of discharge from the site at all design points.

19 The December 9, 2014 Landscaping Plan Overview and the Landscaping Part Plan A (1 of 2) does not include any plantings along the Route 306 frontage between Kearsing Parkway and Edison Park. Trees and/or shrubs must be planted in front of the stone retaining walls as are proposed on the southern Route 306 frontage. Landscaping may also be appropriate on the top of the retaining walls to mitigate the visual impact of these structures.

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

21 The dwelling unit calculations on Drawing Number 2 (Site Part Overall) references 108 flats and 56 townhouses. The unit configuration shown on the site plan, and indicated in a May 30, 2014 project narrative, includes 101 townhouses and 63 flats. All application materials must be consistent. The dwelling unit calculations must be corrected.



Douglas U. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Planning Board
New York State Department of Environmental Conservation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
United States Army Corps of Engineers
Rockland County Office of Fire and Emergency Services
Federal Emergency Management Agency
United Water of New York
Monsey Fire District
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.