



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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April 28, 2015

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: 3/7/2015

Date Review Received: 4/2/2015

Item: **BLUEFIELD EXTENSION (R-2421A)**

Four-lot subdivision of 1.055 acres in the R-15 zoning district. Changes to the subdivision include alternate lot configurations, one additional unit for two of the lots, and one additional accessory apartment for two of the lots. The final layout would result in four lots, each containing a three-family dwelling plus three accessory apartments. Additional variances are now required for all of the lots. 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 at that time, Ira Emanuel, were informed that the application contained conflicting information. As a result, the application was withdrawn from the November Zoning Board of Appeals (ZBA) agenda and adjourned to the December meeting.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. To date, the application is still proposing uses which are not permitted in the R-15 zoning district. The most recent submission is requesting four more additional residential units on two of the lots, further exacerbating the non-conformity. The Town of Ramapo ZBA, as reflected in the January 30, 2014 minutes, granted a use variance for "ten units of housing, each with one accessory apartment," contingent that the applicant plant a dense row of six-foot high trees across the western property

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line. This final subdivision application submitted to our department for review, contains twelve units of housing, each with three accessory apartments. This submission is not in keeping with what was granted by the Town of Ramapo Zoning Board of Appeals, and therefore, the applicant must go back to that board for a new use variance to permit these additional units. At that time, we requested the opportunity to review and provide comments on the use variance needed for this proposed project.

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, rear setback, rear deck setback, and development coverage variances, ranging from 9 to 45 percent, are now required for all four lots. The bulk standard non-conformities are compounded by the fact that town homes 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, six-family, semi-attached dwellings are not a permitted use in either the R-15 or R-15C zoning districts. The lot lines seem to be drawn with no purpose, criss-crossing the proposed development layout haphazardly, with no regard for parking or other design factors. To properly 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.

Lastly, access to the site is being provided by a 13.02 foot right-of-way over tax lot 50.13-3-32. This right-of-way is insufficient for two-way traffic, not only for the 24 residential units, but it is not wide enough to accommodate residential truck deliveries, garbage trucks, mail delivery, or emergency response vehicles. Maneuverability on site is insufficient, and the turning radii is not large enough for fire truck equipment to access the site. With the units being constructed as semi-attached units, with minimal distances to the property line, access to the site for firematic issues will be impossible.

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 23 units per acre is proposed with no suitable access provided. 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 and this proposal must not be approved.

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.

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1 It is not clear if access is being provided only from the existing 13.02' right-of-way to the north, or if another drive is also proposed from Union Road. As illustrated, it appears that this is the only access, as a parking easement is proposed for tax lot 50.13-3-31 over tax parcel 50.13-3-27, and the proposed building layout blocks this through connection. A 13' wide access road serving 24 residential units is insufficient, particularly for two-way traffic. Delivery trucks, garbage collection, mail service, and emergency vehicles will have difficulty accessing the site, creating dangerous situations.

According to standards from the U.S. Department of Transportation, minimum land widths for local roads must be between 9 and 12 feet; or a minimum of 18 to 24 feet total. For firematic purposes, the Fire Code of New York State requires fire apparatus access roads to have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. This road width is needed because modern fire apparatus, especially large aerial equipment, consume a major part of the driving surface when ladder trucks or aerial towers have their stabilizing jacks extended. The proposed development must be redesigned so that a minimum access width of 26' is provided for the multi-family housing complex.

2 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.

3 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.

4 A site plan must be submitted showing all features including sidewalks, steps, decks, porches, etc.

5 As indicated in the April 16, 2015 letter from the Rockland County Department of Highways, a work permit is required for the proposed development prior to any construction on site.

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.

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- 7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 8 As indicated in the April 6, 2015 letter from the Rockland County Department of Health, an application must be made to them for sanitary sewer extension approval, including a sewer capacity analysis; and an application made to them to ensure compliance with the County Mosquito Code.
- 9 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. As shown, the proposed residential building will require a variance from the New York State Uniform Fire Prevention and Building Code since the proposed decks are all located closer than ten feet to the property line.
- 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 Designated parking spaces must be assigned to each residential unit, and clearly identified in the field.
- 12 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.
- 13 As part of the approval from the Town of Ramapo Zoning Board of Appeals, for the use variance, the applicant is required to plant a dense row of six-foot high trees across the western property line. In order to ensure that this condition is met, and to ameliorate the higher density to the adjacent properties, a landscaping plan must be submitted for review.
- 14 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, which is close to a heavily traveled road and far from the residential units, raises safety concerns.
- 15 No handicapped parking spaces are provided on the site plan. Handicapped parking areas must be clearly designated throughout the site, and adequate access space provided.
- 16 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.
- 17 Map Note # 25 shall be eliminated as it is incorrect and repetitive of Map Note # 7.
- 18 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 19 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.
- 20 This parking area must be redesigned so that vehicles can easily turnaround and not have to back out of the parking spaces.

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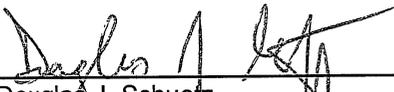
21 The location for the dumpsters must be provided on the site plan. Their placement must not impede the ability of vehicles to access parking spaces.

22 Areas dedicated for snow piles must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect any landscaping from being broken from the weight of the snow and from causing salt intrusion to the plants. In addition, providing specific locations on the site for the snow piles, especially since only a minimum number of parking spaces is being provided, will eliminate the loss of parking spaces meant for the residents.

23 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.

24 A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line.

25 We request the opportunity to review any variances and use variances which will be necessary to implement the proposed site plan.



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 Drainage Agency
Anthony R. Celentano P.L.S.
Villages of Spring Valley and New Hempstead

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.

