



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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ARLENE R. MILLER
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May 11, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-3-55 56.11-3-53.6

Re: **GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

Map Date: 3/27/2015

Date Review Received: 4/8/2015

Item: **HEARTHSTONE VILLAGE/REVISED SITE PLAN (R-1741R)**

Revised site plan application for a mixed-used development consisting of 44 residential units and 48,573 SF of commercial space on the 6.655-acre site in an MU-1 zoning district.
North side of Route 59, west side of Augusta Avenue

Reason for Referral:

NYS Route 59

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 An updated review of the March 27, 2015 site plan drawings shall be completed by the New York State Department of Transportation (NYS DOT) and all required permits obtained. The applicant must comply with the 38 conditions of NYS DOT's letter of September 2, 2014. These include general comments as well as conditions related to traffic signals/synchronization, drainage, pedestrian/bicycle facilities and design development.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letters of April 13 and 14, 2015.
- 3 The applicant must comply with the conditions of the Rockland County Sewer District No 1's letter of April 20, 2015.

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4 There are now 44 residential units proposed. The 16 units in Building A and the 12 units in Building B will be 1,100 SF. Building C will contain 16 apartments with an average size of 1,650 SF. As noted in our September 17, 2014 site plan review, while less units result in a lower on-site parking requirement and a reduced residential density, larger units will require additional water and sewer capacity, and generate more waste. No information has been provided about these larger apartments. They will each contain an additional 550 SF. Will this space be used as bedrooms? An earlier submission included a project narrative dated March 18, 2014 that discussed the significant need for smaller apartments in the Monsey area. It is unclear what has changed since that time. Additional information must be provided about the size of the proposed apartments and the number of bedrooms in each unit.

5 Storage space is proposed on the first floor of Buildings A, B and C totaling 8,860 SF. It is unclear if the storage space will serve the retail or the residential space. This floor area is not included in the floor area ratio calculation or the parking analysis. The intended users of the storage space must be clarified. The Town shall consider whether deed restrictions are appropriate to prevent conversion of this space to retail or residential use, especially since no parking spaces are provided for this square footage.

6 The residential density calculation indicated on the bulk table includes the lot area of the entire site. The land area devoted to the commercial uses is not specified. A portion of the 289,881 SF total lot area must be reserved for the commercial uses. Section 376-31 (Table of General Use Requirements) categorizes mixed-use structures as Use Group I. A minimum lot area of 20,000 SF is required for this use group. The Town must consider if this is an appropriate deduction from the total land area for the commercial use. The residential density cannot be calculated using the total lot area. The land area devoted to the commercial uses must be subtracted from the total land area before calculating the residential density. The residential density calculation must be corrected to reflect the appropriate deductions for the commercial component of this mixed-use development proposal. The permitted maximum of eight units per acre shall not be exceeded.

7 The top and bottom of wall heights must be provided for Wall B to the north of the reserved residential parking area.

8 Wall D in the northwest corner of the site reaches heights of 22 feet. The Landscaping and Lighting Plan indicates that seagreen junipers will be planted along the top of the wall. It does not appear that fencing is proposed. Given the height of Wall D and its location immediately adjacent to the backyard of a single-family lot, safety is a prime consideration. The retaining wall must be tiered at a maximum height of four feet for each terrace. Appropriate landscaping shall be planted on each level to soften the visual impact of the massive wall.

While Wall D is the highest of the proposed retaining walls, Walls A and C reach heights of six feet. As noted above, the height of Wall B is unclear. The applicant must also consider a tiered retaining wall system for Walls A and C, as well as Wall B if appropriate.

9 The proposed mixed-use buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

10 A review of the March 27, 2015 Site Plan and Fire Truck Turn Analysis 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 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

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- 12 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 13 It appears that TRIPS paratransit vehicles will be able to navigate the interior roads. However, they will be unable to provide door-to-door service for the residential tenants of Buildings A and B since the residential entrances are located at the rear of these buildings with no roadway access. If the residential parking area behind Building C is gated and locked, TRIPS vehicles will also be unable to access the residential entrances to this building. Residential customers must be able to board and alight a TRIPS vehicle on the south side of these buildings.
- 14 The proposed bus shelter and pull-off area along Route 59 must be approved by the New York State Department of Transportation. Ideally, a 40-foot long concrete pad should be installed within the bus pull-off area to preserve the integrity of the roadway bed, due to the weight of the bus. The bus shelter shall conform to the attached Rockland County specifications. The bus pull-off area and the sidewalks serving the bus shelter must be ADA compliant. The concrete pad for the bus shelter must be 11 feet long by 7 feet wide. The Rockland County Department of Public Transportation will supply the bus shelter, but the Town of Ramapo must agree, in writing, to maintain it.
- 15 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.
- 16 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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 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.
- 19 The landscaping along Route 59 shall be supplemented with low evergreen plantings in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the state highway.
- 20 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.
- 21 In order to ensure that parking spaces are not used and landscaping is not damaged by the weight of the snow or salt intrusion during snow removal, areas must be designated on the site plan for the storage of snow piles.

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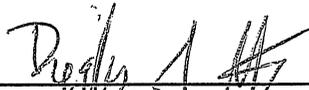
22 While the proposed on-site parking is currently deficient by 32 spaces or 8.6 percent, a future expansion of this mixed-use development could result in a more significant on-site parking deficiency that negatively affects the safe and efficient flow of traffic along Route 59. On March 24, 2015, this department issued a GML review recommending disapproval of a development proposal that included 84 residential units and 61,953 SF of commercial space on this site. This February 12, 2015 site plan also depicted a separate bank building. Several large bulk variances were required including a 37 percent parking variance. This department is opposed to granting parking variances for sites located on heavily traveled state and county roads. As noted in our March 24, 2015 GML review, the Town must not permit any deviations from the previously approved site plan that will increase the degree of non-compliance with the MU-1 standards.

23 The current site plan shows an empty area where the aforementioned bank building was situated. No site improvements are presently proposed in this area of approximately 11,000 SF. Additional information must be provided about the intended use of this area.

24 This central location noted above is an ideal space for on-site amenities like a park with playground equipment and seating areas. Given the number and size of the residential units, there is a high likelihood that the future residents will include children. On-site recreational space must be provided.

25 The vicinity map still shows a portion of Lot 56.11-3-54 as part of the mixed-use development proposal. This map number is also included in General Note 1. The clearing limit lines on Drawing Number 5 run through this lot and a row of Norway Spruce are proposed to the south of the existing shed on the Landscaping and Lighting Plan. It is our understanding that there will not be a land swap with the owners of Lot 56.11-3-54 so this parcel is no longer part of this proposal. The site plan drawings must be corrected to reflect the exclusion of Lot 54.

26 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law. Any variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Rockland County Department of Public Transportation
Monsey Fire District
Leonard Jackson Associates
New York State Department of State,
Division of Code Enforcement and Administration
Sol Menche

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

