



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

March 24, 2015

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.11-3-53.6

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

Map Date: 2/12/2015

Date Review Received: 2/19/2015

Item: *HEARTHSTONE VILLAGE (R-1741Q)*

Revised site plan for a mixed-use development consisting of 84 residential units and 61,954 SF of commercial space on 6.641 acres 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:

****Disapprove***

Upon adoption of the Town of Ramapo's Comprehensive Plan, this site was designated as an MR-8 zoning district. This zoning district was one of three multi-family residential zoning districts created to implement the recommendations of the Town of Ramapo's Comprehensive Plan. A residential density of up to eight units per acre is permitted in this zone. While this is the maximum allowable residential density, it is not a guarantee. Site considerations may dictate that eight units per acre are not possible if the proposal is to comply with all the other bulk standards of the MR-8 zoning district.

In June of 2006, a site plan application for a 50-unit townhouse development with two additional apartments was submitted for this site. In our GML review of the townhouse proposal, this department raised numerous issues. We noted that this was an irregularly-shaped parcel that would require side setback variances of over 42 percent for the proposed project. New construction should conform to the bulk requirements of the zone in which it is proposed. The townhouse structures were proposed to be built up to the front and rear setback lines and beyond the side setback lines. Decks and patios were not shown on the townhouse submission but would require variances if future homeowners wished to add such features. We recommended that the applicant scale back the proposal by reducing the total number of townhouse units or reducing the

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size of the individual units. This would result in a project that complied with the M-8 zone's bulk standards and allowed for some flexibility so that future homeowners could make improvements to their residences without the need for variances. Ultimately, the applicant did not pursue this proposal.

In August 2012, the applicant petitioned the Town Board to rezone the property from an MR-8 to an MU-1 zoning designation. This department issued comments on the zone change petition on September 5, 2012 and March 19, 2013. We recognized that this site was one of several areas specifically recommended for placement within a multi-family district in the Town of Ramapo's Comprehensive Plan. Three new multi-family zoning districts were created: MR-8 (8 units per acre), MR-12 (12 units per acre) and MR-16 (16 units per acre). Properties that directly abutted existing residential neighborhoods were considered most appropriate for the lower end of the density range. The subject site, which is immediately adjacent to an R-15A zoning district, was rezoned to MR-8 in accordance with the Comprehensive Plan recommendations.

We also discussed the "Monsey Area Plan" which focused on properties located around the Route 59 and Route 306 intersection. Neo-traditional design principles were considered particularly appropriate for this intersection. This area was to be redeveloped as a focal point of the Monsey community. The re-development proposal included mixed-use buildings with ground floor commercial uses and apartments above. It was also envisioned that this more traditional form of mixed-use development be complemented by the multi-family developments proposed around the "core."

In addition, our review noted that several zone change petitions and development proposals have been submitted for this vacant site over the years. Prior to its MR-8 designation, it was zoned PO (Professional Office). The parcel is approximately 1,500 feet from the Route 59 and Route 306 intersection. It is located beyond the mixed-use development area delineated in the "Monsey Area Plan." While this did not mean that the proposed zone change was inappropriate, we recommended that the Town consider whether a mixed-use development at this site would undermine the revitalization plan for the Route 59 and Route 306 intersection. It was suggested that the Town evaluate the existing land uses in downtown Monsey, as well as the redevelopment that has occurred since the adoption of the Comprehensive Plan, to determine if revisions to the "Monsey Area Plan" would be appropriate. We noted that other vacant parcels, including those to the east of Augusta Avenue, had to be considered in this comprehensive analysis to determine if they should also be rezoned. We believed that an amendment to the Comprehensive Plan was warranted if the mixed-use development area was to be extended.

The zone change petition was granted, and a number of mixed-use development proposals were subsequently submitted to the Ramapo Planning Board. The proposed number of residential units has ranged from 64 in 2012, 56 in 2013 and 48 in 2014. This department has consistently maintained that development proposals for rezoned sites must comply with all applicable bulk standards and supplementary regulations. Each mixed-use development proposal for this site has required bulk variances and deviations from the supplementary regulations. Our GML reviews have repeatedly recommended scaling back the mixed use development to comply with the MU-1 bulk standards and the supplementary regulations listed in Section 376-66.A.

A revised site plan is now under review. The previous proposal included four three-story buildings. Buildings A, B, and C contained ground floor retail with residential units on the second and third floors. Building D had ground floor retail with office space on the second and third floors. A total of 48 residential units and 111,072 SF of commercial space were envisioned. The applicant is now proposing four four-story mixed-use buildings and a separate bank building. The number of residential units has increased to 84, or 75 percent more. The commercial space has decreased to 61,954 SF. As a result, the ratio of commercial space to residential space is now 40

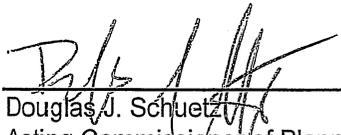
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percent to 60 percent. Since a 60:40 ratio is required, a larger variance is needed for this proposal.

In addition, the maximum residential density of eight units per acre is now exceeded by 57.5 percent. In our previous reviews, we questioned how the residential density was calculated. The applicant's engineer continues to use the total land area to calculate the residential density. This is invalid. The land area devoted to the commercial uses must be subtracted from the total land area before calculating the residential density. We believe that the density is greater than 12.6 units per acre. A maximum of 49 units are permitted on this site after deducting for the commercial uses. The number of linked apartments in a building has more than doubled necessitating a variance of 125 percent. The current submission also requires a height variance.

Fewer parking spaces are provided under this proposal. The required parking variance is now almost 37 percent. Insufficient parking for a site located on a State highway can impede the safe and efficient flow of traffic, and create unsafe access conditions, multiple movements to and from the roadway, and result in vehicles parking within the State right-of-way. In addition, during winter time, as evidenced by this past winter, designated snow pile areas are needed to prevent the loss of parking spaces. Use of on-site parking for snow piles will only exacerbate the deficient parking situation.

The previously approved site plan did not conform to the MU-1 bulk standards or the supplementary regulations outlined in Section 376-66.A. This department raised numerous concerns about the proposed mixed-use development throughout its many iterations. The proposal is a huge departure from the MU-1 zoning standards. This mixed-use proposal will result in a gross overutilization of the site which is located on a heavily traveled state highway. This is evidenced by the number and the magnitude of the variances required. The Town must not approve any deviations from the approved site plan.



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
Leonard Jackson Associates
New York State Department of State,
Division of Code Enforcement and Administration
Sol Menche

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.*

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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.