



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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October 27, 2015

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: 9/22/2015

Date Review Received: 9/25/2015

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

Revised site plan for a mixed-use development consisting of 84 residential units and 59,683 SF of commercial space on 6.655 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 for the second time. The previously approved 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 59,863 SF although the September 22, 2015 Layout Plan

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indicates 59,969. As a result of the reduction in retail and office space, the ratio of commercial space to residential space is now 39 percent to 61 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 almost 59 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 12.7 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 more than 35 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.

The following comments address additional concerns about the revised site plan proposal.

- 1 An updated review of the September 22, 2015 site plan shall be completed by the New York State Department of Transportation (NYSDOT) and all required permits obtained. The applicant must comply with the conditions of NYSDOT's letter of May 5, 2015, as well as the 38 conditions of their 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 An updated review of the September 22, 2015 site plan must be completed by the County of Rockland Department of Health and all required permits obtained. The applicant must comply with the conditions of the Health Department's letters of April 13, 2015, April 14, 2015 and July 22, 2015.
- 3 An updated review of the September 22, 2015 site plan must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained. The applicant must comply with the conditions of the Sewer District's letter of April 20, 2015.
- 4 General Note #1 indicates that three tax parcels are included in this site plan proposal. Since Lots 56.11-3-54 and 55 are not part of the mixed-use development, they must not be referenced in the map note.
- 5 General Note #2 specifies that the area of the tract is 6.532 acres. The gross lot area is actually 6.655 acres. The map note must be corrected.

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- 6 Storage space is proposed on the first floor of Buildings A, B and C totaling 9,578 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.
- 7 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.
- 8 The proposed mixed-use buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 9 An updated review of the September 22, 2015 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.
- 10 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.
- 11 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.
- 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. 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.
- 13 There shall be no net increase in the peak rate of discharge from the site at all design points.

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14 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.

15 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.

16 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.

17 All proposed signage shall conform to the municipality's sign standards.

18 In order to ensure that parking spaces are not used, particularly since less than the required number are provided, 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.

19 This department is opposed to granting parking variances for sites located on heavily traveled state and county roads. Inadequate on-site parking will negatively affect the safe and efficient flow of traffic along Route 59. 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.

20 Since only 93 of the required 168 residential parking spaces are proposed, where will additional spaces for residents and their guests be provided? A residential overflow parking area must be designated on the site plan in the event that the 93 residential spaces are insufficient.

21 A September 24, 2015 letter from the project engineer indicates that a recirculating water fountain with a waterfall is now proposed. This feature is not indicated on the site plan. Its location must be clarified.

22 A landscaping and lighting plan shall be submitted for our review.

23 Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the state road.

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



Douglas W. 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

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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.