



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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September 29, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.05-1-28

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 8/15/2015

Date Review Received: 9/1/2015

Item: *KOHN SUBDIVISION (R-2135F)*

Two-lot subdivision of .582 acres in the R-15C zoning district. A semi-attached, three-family residence with three accessory apartments are proposed on each lot. The engineer has indicated that the required variance have all been obtained.

East side of Herrick Avenue, 150 feet north of First Street

Reason for Referral:

Village of Spring Valley

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 Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 430 feet east of the subject site. This section of Spring Valley is zoned R-2, a medium-density residential district characterized by one- and two-family dwellings. The maximum permitted residential density in the R-2 zoning district ranges from 4.8 to 8.7 units per acre. The proposed residential density on the subject site is 20.6 units per acre. 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 county-wide 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 which is supportive of the goals and objectives of the general area.

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The Village of Spring Valley 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 Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 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.

3 A review must be completed by the County of Rockland Department of Health and all required permits obtained. In addition, their review should incorporate review of the proposed stormwater facilities to ensure that they are in compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control. Lastly, their review should include the location of the proposed water lines as they relate to the proposed detention area.

4 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.

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

6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

7 The proposed parking lots are very constrained and no turnaround areas are provided. Maneuvering in and out of parking spaces will be difficult, especially for parking spaces #3 and #4 on Lot #1, and spaces #3 and #6 on Lot #2. The dumpster enclosures on both lots will not be easily accessible to sanitation vehicles if vehicles are parked in spaces 1 and/or 2 on either lot. The applicant must demonstrate how the vehicles in these spaces will maneuver out of the parking spaces.

8 The bulk tables should highlight the bulk measurements that needed variances with an asterisk (or some other symbol), and add a footnote stating the date that the variances were granted. Any variances that were required, but that are not listed in the bulk table, must also be specifically listed below the tables (such as the party wall and courtyard width variances). This could also be done in a map note.

9 It must be clarified if the owner information listed in the Notes on Sheet 1 of 3 is correct, since the subdivision name of Meyer has been crossed out and "Kohn" handwritten in its place.

10 There are two sheets provided for the proposed subdivision entitled "Grading, and Utility Plan." Sheet 2 of 3 does not contain any topography or utilities, so cannot be considered a grading or utility plan. To avoid confusion, Sheet 2 of 3 must be renamed to clarify that it is the site plan for the proposal.

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11 Landscaping is shown on sheets 2 and 3, but no legend is provided as to what type of landscaping is proposed - except that it will be six-foot high trees. A Landscaping Plan should be provided that provides more details of the proposed landscaping. This will also help to verify that the landscaping proposed along the property line, some of which are proposed to be less than a foot from the fencing, is appropriately located. Some of the proposed trees may have to be located further away from the fencing so that there is adequate space to grow.

12 Sheet 3 of 3 shows a proposed walkway on both parcels that is labeled in the area on the edge of the property lines. This area seems to be in addition to the elevated walkways proposed. If this area is to be paved, then where will the proposed trees be planted? This must be clarified.

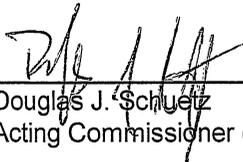
13 The Town must confirm whether Section 258-3 (the shade tree easement requirement) applies to this proposal. If Section 258-3 is applicable, it appears that parking spaces #1 on both lots, and the dumpster enclosure, are partially located within the five-foot shade tree easement area. The Director of Public Works shall determine if it is still possible to plant one tree for every 40 linear feet of shade tree easement as required in Section 258-3 of the Town Code.

14 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.

15 A curved structure is depicted on proposed Lot 1 on Sheets 1, 2 and 3. A legend is not provided on Sheets 1 and 2. The legend on Sheet 3 does not include this structure. Additional information must be provided about this structure.

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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Anthony R. Celentano P.L.S.
Village of Spring Valley Planning Board
New York State Department of State,
Division of Code Enforcement & Administration

**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.