



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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October 23, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.13-1-5 57.13-1-4 57.13-1-3 57.13-1-2

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

Map Date: 8/21/2015

Date Review Received: 9/11/2015

Item: *PARK GARDENS (R-2495A)*

Lot line disclaimer to combine four lots totaling 2.81 acres in an MR-8 zoning district; site plan application to construct a 22-unit multi-family development on the assemblage.

West side of Summit Avenue, 600 feet south of Wolf Drive

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:

****Disapprove***

In our April 7, 2015 review of this proposal, we recommended that the application be disapproved due to significant issues related to property ownership, paper streets, right-of-way areas, access to other properties and clustered development. In addition, the proposed multi-family development was deficient in meeting the MR-8 bulk standards. While the current site plan does not show a retaining wall across Summit Avenue thereby preventing access to the parcels to the south, it does depict curbing extending from the southern driveway of the project site. Additional information must be provided about the height of this curb. Several application documents indicate that clustering is no longer proposed. To avoid confusion, we suggest that the word "clustered" be eliminated from the project name as stated in the narrative. Several other issues have not been satisfactorily addressed.

A paper street (Park Avenue) and 25 feet of the right-of-way of both Summit Avenue and Tunis Tallman's Lane are also included in the land area of the proposed assemblage. It is our understanding that the applicant does not own the paper street or the right-of-way areas despite a statement in the project narrative indicating that the land title issues have been resolved. Park Avenue is shown on the Town of Ramapo's Official Map. The property deeds for the four lots do not include the land area to the center of Summit Avenue or Tunis Tallman's Lane. We

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understand that the Town is contesting the applicant's claim to these properties. In order to proceed forward, the application must first apply to the Town of Ramapo to request a road abandonment. If the abandonment is approved by the Town, then the applicant must next purchase this property from the Town for their use. Documentation including a deed reference must be provided confirming the resolution of all land title issues.

Since a portion of the site is located within the Village of Spring Valley, the proposed development must be also reviewed by their planning board. The portion of the development contained within the Village must abide by the zoning rules and regulations of the designated zoning district in their zoning ordinance.

The site does not meet the MR-8 minimum lot area requirement of four acres. It is deficient by 1.19 acres or 29.75 percent according to the information presented on the Layout Plan. However, as noted above, the applicant does not control or have ownership of 2.81 acres. According to our records, the deed acreage for the actual five lots is only 2.06 acres. A minimum lot area variance of 48.5 percent is therefore required.

Given the major issues cited above, the application as proposed must be denied. The applicant must resolve the title problems and ownership issues; the Village of Spring Valley Planning Board must also review the proposed development; additional land area must be sought for the proposed development so that the design conforms to the MR-8 minimum lot area requirement, or a much scaled-down proposal must be submitted. We request that the Town of Ramapo provide us with any additional information related to these concerns cited above, and keep the County Planning Department informed as to the resolution of the title issues, before considering a revised application.

The following comments address additional concerns about the proposal.

1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary runs through the northeast corner of the site and along the Tunis Tallman's Lane right-of-way immediately west 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 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.

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- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 12, 2015.
- 4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 5 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.
- 6 While the proposed retaining wall no longer crosses Summit Avenue, it does prevent access to Park Avenue, an undeveloped, paper street. It is unclear if future development plans for 57.13-1-10 will include Park Avenue. The retaining wall will render Park Avenue a dead-end street. This may not be ideal from a traffic circulation point of view, especially for emergency service vehicles attempting to access properties to the west. The Town must address the future disposition plans for Park Avenue.
- 7 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the Monsey Fire District, the to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 9 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 10 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.
- 11 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.



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
Civil Tec Engineering & Surveying PC
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Holloran Road Corp.

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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.