COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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EDWIN J. DAY
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April 28, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 32.11-1-14 32.11-1-13 32.11-1-12 32.11-1-4 32.11-1-3 32.11-1-2

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

Map Date: 6/16/2014 **Date Review Received:** 3/16/2015

Item: ***PATRICK FARM CONDOMINIUMS (R-1249Y)***

Site plan for 298 market rate townhouses and 72 "workforce" flats on 51.5 acres in an MR-8 zoning district.
East side of Old Route 202, 200 feet northeast and 300 feet southeast of Route 202

Reason for Referral:

NYS Route 202, Harriman State Park, Village of Pomona, NYS and Federal Wetlands

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**

In response to the revised wetland delineation, which became effective with the Army Corps of Engineers' (ACOE) December 4, 2014 Jurisdictional Determination, the Patrick Farm condominium site plan has been modified. Driveway B-4 has been reconfigured to avoid the wetlands. Building 35 has been relocated. Building 45 (six units) has been eliminated so that Water Quality Basin #3 could be relocated out of the wetland area. Detention Basin D has also been relocated. The relocation of Water Quality Basin #4 necessitated the removal of Building 39 (6 units) and the elimination of two units in Building 40. The promenade had to be reconfigured and Culvert # 9 relocated to avoid the wetland area. A playground area was also removed from the wetland area, and was significantly reduced in size.

1 In order to avoid confusion, only the tax lots from which Lot 87 is derived should be listed. General Note # 5 lists seven of the eight parcels which comprise the entire subdivision. Lot 32.11-1-16 is missing. Only six of these lots are relevant to this site plan. In addition, several of the relevant lots are not included on the GML request form, and lots that are not part of the land area for Lot 87 are included. All tax lot information relevant to this site plan application must be consistent in the materials submitted for review.

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2 This department is in receipt of an April 3, 2015 letter from New York State Department of Environmental Conservation's (DEC) Regional Director regarding a petition to amend the Department's Article 24 Regulatory Freshwater Wetlands Map for Rockland County to include additional wetlands on the "Patrick Farm" property. Approval of the condominium site plan proposal cannot be granted until DEC completes its field check and makes a regulatory determination.

3 An updated review of the June 16, 2014 site plan drawings must be completed by DEC and all required permits obtained. The conditions of the January 3, 2013 DEC letter must be satisfied. The applicant must also respond to public comments from the DEC public hearing as noted in the DEC's January 17, 2013 transmittal memo.

4 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction. As noted in the Health Department's letter of March 27, 2015, sanitary sewer extension approval cannot be issued until all required NYS DEC permits are obtained. As a result, Realty Subdivision and water main approvals also cannot be granted at this time.

5 An updated review of the June 16, 2014 site plan drawings shall be completed by the New York State Department of Transportation (DOT) and all required permits obtained. The applicant must comply with the conditions of the January 30, 2014 DOT letter.

6 The Village of Pomona is one of the reasons this proposal was referred to this department for review. The Pomona municipal boundary is within 250 feet of the southern boundary line of proposed Lot 87. This area is zoned R-40, a low-density residential zone characterized by single-family residences on large lots. 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; the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and such other measures as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining a satisfactory community environment. 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 Pomona 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 Pomona must be considered and satisfactorily addressed, as well as any additional concerns about the condominium site plan.

7 An updated review of the June 16, 2014 site plan drawings must be completed by the County of Rockland Drainage Agency and all required permits obtained. The applicant must comply with the conditions of the January 6, 2015 Drainage Agency letter.

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8 An updated review of the June 16, 2014 site plan drawings, and the October 20, 2014 Dam Improvements prepared by Brooker Engineering PLLC, shall be completed by the United States Army Corps of Engineers and all required permits obtained.

9 An updated review of the June 16, 2014 site plan drawings shall be completed by the County of Rockland Sewer District #1 and all required permits obtained. The comments in their letter of March 26, 2013 must be satisfactorily addressed.

10 An updated review of the June 16, 2014 site plan drawings must be completed by Orange and Rockland Utilities and their concerns satisfactorily addressed.

11 An updated review of the June 16, 2014 site plan drawings must be completed by Columbia Gas and their concerns satisfactorily addressed.

12 An updated review of the June 16, 2014 site plan drawings must be completed by United Water New York and their concerns satisfactorily addressed.

13 An updated review of the June 16, 2014 site plan drawings shall be completed by the Palisades Interstate Park Commission. The conditions of their November 15, 2011 letter must be satisfactorily addressed.

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

15 An updated review of the June 16, 2014 site plan drawings must be completed by the County of Rockland Office of Fire and Emergency Services, the fire inspector and the Moleston Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles. The applicant must comply with the preliminary conditions of the County of Rockland Office of Fire and Emergency Services' December 8, 2011 letter.

16 The proposed promenade must be contained entirely on Lot 87. The current submission shows a ten-foot easement over Lot 31 for the promenade that extends more than 400 feet along the northeastern property line on this lot. As indicated in the subdivision review, Lot 31 is irregularly-shaped and contains a high mesa retaining wall running through the northern portion of the lot. Given the potential liability and maintenance issues associated with the promenade, it would be more appropriate for the northern portion of Lot 31 and the area containing the promenade to be part of Lot 87.

17 It is unclear why the land area of existing Lot 32.11-1-16 is included in proposed Lot 78. Water quality basins are proposed on these two segments. This stormwater management system will collect the drainage flowing along proposed Road C. The future single-family homeowner of Lot 78 should not be responsible for the maintenance of water quality basins serving the drainage needs of the greater subdivision area. Lot 78 must be reconfigured so that it consists of only one contiguous land area. The water quality basins should be part of Lot 87 since that is where most of the stormwater runoff will be generated.

18 Building 55 is the only market-rate townhouse building amongst the 12 buildings containing workforce flats. Isolating this building from the other townhouses and locating it in close proximity to less expensive housing options raises marketability issues. We believe that Building 55 should be relocated or eliminated. Alternatively, the workforce flats could be scattered throughout the multi-family development to create an economically-integrated community.

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19 It is unclear why the portion of Lot 87 (Townhouse # 53) immediately adjacent to Lot 85 is not being developed as a single-family lot. It is separated by two roadways from the remainder of the condominium development, and would be more compatible with the proposed land uses to the north and west.

20 Low evergreen plantings must be provided between Lots 85 and the parking area serving Townhouse # 53 on Lot 87 to shield headlights and visually buffer the multi-family housing.

21 The Grading and Drainage Plans (Drawings 7 through 11) indicate that fencing is proposed around each of the playground areas, as well as Water Quality Basin # 1 and Detention Basin B. Water Quality Basins #2 and A, and Detention Basin C, are surrounded by a combination of guide rails and fencing. Water Quality Basin #3 has a guide rail along its Road A frontage. Water Quality Basin #4 and Detention Basin D do not have fencing or guide rails proposed around them. The Town shall be satisfied that this is sufficient to ensure the safety of resident children given that the basin depths range from 10 to 15 feet.

22 As noted previously, this site is constrained by very steep slopes. Retaining walls are proposed throughout the subdivision to accommodate development within the steeply sloped areas. Some of these retaining walls reach significant heights. We recommend that these retaining walls be tiered and limited in height to four feet, as well as landscaped, to ameliorate their visual impact and create a safer environment for future residents, especially children.

23 Extensive regrading of the site is proposed. To ensure that the environmental features and lands to remain undisturbed are protected, flags must be placed in the field prior to any grading or construction on the site, in addition to the clearing limit lines shown on the map. Deed restrictions must also be in place to protect these areas in the future when this residential community is established.

24 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.

25 There shall be no net increase in the peak rate of discharge from the site at all design points.

26 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.

27 The Town shall be satisfied that the proposed stormwater pollution prevention plan conforms to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

28 As noted in our July 9, 2010, October 20, 2010, December 13, 2011 and January 10, 2013 GML reviews, the entrances of numerous townhouses and workforce flats do not face the parking areas. Residents will have to walk from the parking areas to their front doors. Lighting shall be provided along sidewalks between the parking areas and the residential buildings to ensure safe access for pedestrians. Sidewalks along the interior roadway system must also be illuminated. The on-site lighting proposed in this current submission is inadequate in the vicinity of Buildings 1, 6, 7, 27, 28, 30, 31, 32, 33, 34, 43, 44, 52, 53, 54, 55, 56, 57, 64, 65, 66 and 67.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
New York State Department of Environmental Conservation
Palisades Interstate Park Commission
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Rockland County Planning Board
Orange and Rockland Utilities
Columbia Gas
United Water of New York
Moleston Fire District
Leonard Jackson Associates
Village of Pomona
New York State Department of State,
Division of Code Enforcement
Yechiel Lebovits

**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.