



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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April 16, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 32.11-1-4 32.11-1-3 32.11-1-2 32.11-1-16 32.11-1-14 32.11-1-13
 32.11-1-12 32.14-2-3

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 6/16/2014

Date Review Received: 3/16/2015

Item: *PATRICK FARM SUBDIVISION (R-1249X)*

Proposed 87-lot subdivision of 196.38 acres. Eighty-five single-family lots are proposed within the 124.94-acre portion of the property zoned R-40; two lots are proposed within the 56.56-acre portion of the property zoned MR-8. The remaining 14.88 acres are right of way deductions. Southeast side of Route 202; west side of Route 306; north side of Scenic Drive

Reason for Referral:

NYS Route 202, NYS Route 306, Pomona, Wesley Hills, Harriman State Park, Mahwah River, 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 subdivision proposal has been modified. The total number of lots has been reduced from 88 to 87. One single-family lot has been eliminated. Roads B and F have been re-routed around the wetlands. The culvert on Road B has been relocated. A truss bridge is now proposed. Lots 17 through 22 and 29 through 39 have been reconfigured. The culvert on Road F and Lots 52, 53 and 54 have been revised. Water Quality Basin # 5 has been reconfigured to avoid the wetland. The culvert for the driveway on Lot 21 has been relocated upstream. The driveways for Lots 13 and 22 have been relocated through Lot 14. Revised layouts are also proposed on Lots 55, 56, 59, 60 and 75. Additional changes related to the ACOE Jurisdictional Determination include the elimination of 14 townhouse units and a reconfigured parking area for the Volunteer Housing site. Stormwater management features have also been relocated. The following comments address our areas of concern with regard to the entire subdivision proposal, as well as the revisions related to the new wetland boundaries.

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1 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 subdivision proposal cannot be granted until DEC completes its field check and makes a regulatory determination.

2 An updated review of the June 16, 2014 subdivision maps 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.

3 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.

4 An updated review of the June 16, 2014 subdivision maps shall be completed by the New York State Department of Transportation (DOT) and all required permits obtained. The off-site improvements for Routes 202 and 306, prepared by Maser Consulting PA and dated October 3, 2014, must also be reviewed by DOT. The applicant must comply with the conditions of the January 30, 2014 DOT letter.

5 The Villages of Pomona and Wesley Hills are two of the reasons this proposal was referred to this department for review. The Pomona municipal boundary is along Route 306 opposite the northern and eastern property lines of the subject site. This area is zoned R-40, a low-density residential zone characterized by single-family residences on large lots. The municipal boundary for the Village of Wesley Hills is along the western and southern property lines of the site. This area of Wesley Hills is zoned R-50, a low-density, single-family residential zoning district. 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 Villages of Pomona and Wesley Hills 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 Villages of Pomona and Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the June 16, 2014 subdivision proposal.

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6 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.

7 An updated review of the June 16, 2014 subdivision maps 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.

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

10 An updated review of the June 16, 2014 subdivision maps 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.

11 An updated review of the June 16, 2014 subdivision maps must be completed by Orange and Rockland Utilities and their concerns satisfactorily addressed.

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

13 An updated review of the June 16, 2014 subdivision maps must be completed by Columbia Gas and their concerns satisfactorily addressed.

14 An 87-lot subdivision of 196.38 acres is proposed. The gross lot area of the 85 single-family lots in the R-40 zoning district is 124.94 acres; the two lots in the MR-8 zoning district have a gross lot area of 56.56 acres. This represents a total of 181.50 acres. It is our understanding that road right-of-way deductions account for the remaining 14.88 acres. The disposition of these 14.88 acres must be clarified in the net lot area breakdown information presented on Drawings 2 and 3 (Preliminary Subdivision Plats). A table that includes the road right-of-way deduction information should be added to these drawings.

15 A note to the Bulk Table states that the proposed front setback for the lots which front on Route 202 (Lots 1, 2 and 3, Lots 69 through 76, and Lots 79 through 81) exceed the minimum requirement. The 100-foot front setback proposed for each of these lots, except Lot 78, meets the requirements of the Town's Scenic Road District. It must be clarified whether the requirement to double the side and rear setbacks is also achieved, as well as the additional standards outlined in Local Law 4 of 2005. In our July 24, 2009 comments on the Draft Environmental Impact Statement (DEIS) for Patrick Farm, we noted that several variances from this law may be required. Lots 8, 51 and 78 may not meet the double side and rear yard requirements of the Scenic Road District Law.

We also pointed out that it is unclear whether the 15 to 120-foot undeveloped area proposed along Routes 202 and 306 meets the requirement to preserve existing vegetation to screen structures from public view within the Scenic Road District. The extent to which the Patrick Farm proposal varies from the Scenic Road District Law standards must be clarified. The Town must be satisfied that the August 26, 2010 letter from the applicant's attorney adequately addresses compliance with the Scenic Road District Law.

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16 The August 12, 2010 Lot Area Deduction Encumbrances Map was submitted to this department on September 20, 2010 in response to Comment 17 of our July 15, 2010 General Municipal Law review. It does not include the 50-foot wide Columbia Gas transmission easement that traverses the entire site, and no parcels within this easement have land area deductions assessed. For example, Lot 9, which has no other easement area but the gas line, shows no impediments on the Net Lot Area Breakdown Table. Additionally, the Columbia Gas equipment crossings are not accounted for in the lot area deductions. Therefore, it is still not possible to determine which lots have overlapping encumbrances. As previously requested, a map which clearly identifies and illustrates all of the overlapping encumbrances must be submitted, along with an updated table showing the deductions.

17 The proposed layout of Lots 1, 2, 3, 4 and 5 has been revised in response to comments from the Palisades Interstate Park Commission. While the proposed access to Lots 1 and 3 is much improved over previous submissions, we question the decision to provide an access easement over Lot 4 to benefit Lot 2. Was a direct connection to Road A northeast of the retaining wall considered? The access easement traverses a sloped area and renders the eastern portion of Lot 4 useless to the future homeowner.

18 Lot 31 is irregularly shaped. In addition to the high mesa retaining wall running through the northern portion of the lot, there is an easement that contains and provides access to the promenade around the pond on Lot 87. Given the potential liability and maintenance issues associated with the promenade, it would be more appropriate for the northern section of Lot 31 including the promenade access easement to be part of Lot 87.

19 Easement # 19 on Lot 31 is ten-feet wide on Drawing Number 2 and 25-feet wide on Drawing Number 9. The width of this easement must be clarified. All application materials must be consistent.

20 Lot 51 is awkwardly configured, isolated from the other single-family lots and serves as a stormwater management system for Lot 86. It is further compromised by the archeological resource to be preserved. In addition, access to the single-family home proposed on Lot 51 is along an easement over Lot 86. A chain link fence surrounds the water quality basin mentioned above, enclosing approximately 12,949 SF and occupying most of the northwestern section of the lot. The 7,467 SF included in Easement Number 73 on Lot 51 is labeled as a "Non-Disturbance Area." This land area includes the J. Mather Farmstead foundation which is also fenced off from use by the future homeowner. The remaining land area is irregularly-shaped and significantly below the minimum lot area of 40,000 SF required in the R-40 zoning district.

Given the fact that more than 20,000 SF of Lot 51 is constrained by easement and non-disturbance areas, and the largest easement area directly benefits the volunteer housing site, we recommend that this single-family lot be eliminated and the land area be combined with Lot 86. It could be used to provide additional on-site amenities such as a pedestrian path and seating area in the vicinity of the J. Mather Farmstead foundation. Alternatively, it could remain as a separate parcel to be developed as the site of the "Future Ambulance Station" rather than a single-family residence.

21 Maintenance responsibility for the fenced-in area surrounding the J. Mather Farmstead foundation must be clearly stated in the map notes and on the subdivision map. The conservation easement required for this archeological resource must also be indicated on the subdivision map and the Volunteer Housing site plan.

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22 Drainage easements prevent driveway connections to Route 306 for Lots 65 and 66. A long driveway and access easement are proposed over Lot 58 to provide access to Lot 65 from Road F. A similar arrangement is proposed over Lots 67 and 68 to provide access to Lot 66 from Road D. Both lots contain land area within the Orange and Rockland utility easement. Lot 66 is further encumbered by the gas transmission easement. We recommend that Lots 65 and 66 be eliminated.

23 The configuration of proposed Lot 78 is very irregular. It is comprised of three segments separated by two roadways. Ideally, tax parcels should not be separated by roads. This is particularly true in the case of single-family residences. Segmented land area is undesirable for the future homeowner. It is also not ideal for tax mapping purposes.

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.

24 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 of up to 22 feet. 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.

25 An updated review of the June 16, 2014 subdivision maps 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 satisfactorily address the preliminary comments and concerns raised in the County of Rockland Office of Fire and Emergency Services' letter of December 8, 2011.

26 According to Drawing Number 41 (Landscape Plan), landscaping is still proposed around the perimeter of the Elias Conklin Cemetery contrary to the list of changes included in the February 7, 2013 project narrative and the map note on Map Number 88. The 1,719 SF cemetery area must not be disturbed. It is protected by a conservation easement. The conservation easement must be indicated on the subdivision map. In addition, maintenance responsibility for the cemetery must be clearly stated in the subdivision notes and on the map.

27 The drainage basin on Lot 51 shall be clearly illustrated with topography, and labeled "WQ Basin # 8" on Drawing Number 20 (Grading and Drainage Plan).

28 The proposed landscaping around Water Quality Basin Number 8 must be included on Drawing Number 42 since Lot 51 is one of the 85 single-family parcels.

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29 The landscaping plans must be enhanced to include plantings around several additional features including all stormwater management basins. All detention basins in the R-40 zoning district have proposed landscaping on Drawing Number 42 except for the detention basin on Lot 51. This detention basin should also be landscaped to soften the visual impact to the adjacent property owners and the property itself. In addition, other basins in the MR-8 zone are not shown to be landscaped. Additional plantings must be provided between Lots 85 and 87 to buffer the driveway and the more intense use from the single-family residence, particularly since parked cars will be facing that lot. Landscaping must also be provided around the pump stations.

30 Maintenance responsibility for each of the proposed water quality basins must be clearly indicated in the subdivision notes and on the maps.

31 Earlier versions of Drawing Number 6 (Layout Plan), showed a bus stop on Road C, opposite and south of the condominium driveway entrance. During the review of the DEIS for this proposal, the Rockland County Department of Public Transportation indicated that TOR buses would not enter the site and that bus stops should be provided along Routes 202 and 306. The bus stop is no longer depicted on Road C. Bus stops are also not indicated on Routes 202 or 306. However, Drawing Number 76 (Details) includes bus shelter specifications. We believe bus stops are appropriate near the intersection of NYS Route 202 and Road C, and near the intersection of NYS Route 306 and Road F. The applicant must meet with the Rockland County Department of Public Transportation to determine the best locations to situate bus stops and shelters. The Layout Plan shall depict the bus stop locations.

32 The October 3, 2014 maps prepared by Maser Consulting P.A. clearly indicate that Old Route 202 is to be closed. Road blocks and "Road Closed" signs are illustrated on Drawings MPT-1 and MPT-3. Map Notes on Drawing LP-1 and LP-2 indicate that existing pavement is to be removed, and topsoil and turf to be installed. Drawing Numbers 88 and 89 (Existing Conditions & Demolition Plan) of the June 16, 2014 Leonard Jackson Associates maps indicate that existing appurtenances will be removed from Old Haverstraw Road. However, there is a note on Drawing Numbers 3 and 6 indicating that a strip along Old Route 202 will be dedicated to the Town of Ramapo for road widening purposes. A five-foot shade tree easement is also indicated. If the road is to be abandoned, a road widening dedication and shade tree easement will not be necessary. All application materials must be consistent. In addition, it must be clarified whether the land area within Old Route 202 will become part of Lot 78 or 87.

33 The "Responses to the Comments from the September 7, 2010 Public Hearing" were received by this department on October 8, 2010. Response 2 indicates that emergency access to the neighboring school will consist of a 50-foot long driveway through the east end of Lot 41 (now Lot 40). The access drive will connect to Road B. The "Part Plan - Easement" dated October 5, 2010 shows the emergency access drive on Lot 41 (now Lot 40) but not the connection to the Congregation K'hal Torath Chaim property. Additional information must be provided about the emergency access connection between this residential subdivision and the adjacent school site. A map showing both sites and the full emergency access was submitted to this department on December 12, 2011. This map must also be submitted for review to the Moleston Fire District. All subdivision maps that include the current Lot 40 must show this emergency access connection.

34 The Subdivision Construction Sectioning Plan (Drawing Number 86) does not show Phases 2 and 3 as they relate to the condominiums and volunteer housing. All phases of the proposed subdivision must be labeled including the condominiums and volunteer housing sections.

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35 It is unclear why the portion of Lot 87 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. As noted above, tax lots should not be segmented by roads.

36 Ten wells to be decommissioned are shown on Drawing Numbers 88 and 89. A formal notation on the approved plans must specify that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. The Rockland County Department of Health must be notified of the intent to decommission the wells, and monitor the process to ensure that it is done in compliance with the specifications of Article II. Furthermore, this work must be done in accordance with the terms of a well decommissioning permit that must be obtained from the Rockland County Department of Health.

37 As noted above, ten groundwater wells have been designated to be decommissioned. One of the goals of the recently formed Task Force on Water Resources Management, is to identify potential well sites that can be used for future public water supply. Some of the existing wells on the Patrick Farm site could potentially meet the criteria to serve as part of the public water supply system. Prior to decommissioning, the applicant shall allow United Water and the Task Force on Water Resources Management the opportunity for further investigation of these wells to determine if any of them have the potential to serve as additional sources of drinking water.

38 Will there be deed restrictions, conservation areas or other ways to indicate to future homeowners the limits of where sheds, etc. can be placed when yards are in the wetlands? This must be clarified.

39 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. All major subdivisions, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the county clerk. RCDOH is mandated by New York State law to ensure that such subdivisions will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities.

40 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.

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

42 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.

43 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.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Drainage Agency
Palisades Interstate Park Commission
New York State Department of Environmental Conservation
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Department of Public Transportation
Rockland County Planning Board
Rockland County Historic Preservation Board
Orange and Rockland Utilities
United Water of New York
Moleston Fire District
Columbia Gas
Leonard Jackson Associates
Villages of Pomona and Wesley Hills
John Parker, Task Force on Water Resources
New York State Department of State,
Division of Code Enforcement and Administration
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.