



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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April 30, 2015

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 32.11-1-4

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

**Map Date:** 6/16/2014

**Date Review Received:** 3/16/2015

**Item:** *PATRICK FARM VOLUNTEER HOUSING (R-1249Z)*

Site plan for 24 volunteer housing units on 5.065 gross acres (4.0 net acres) in an MR-8 zoning district.  
West side of Route 306, 1,360 feet north of Boar Court

**Reason for Referral:**

NYS Route 306, 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 Volunteer Housing site plan has been modified. Water Quality Basin #8 has been relocated further east. Building #4 has been reoriented. All four residential structures have smaller building footprints resulting in smaller unit sizes. Four parking spaces are now located on the western side of the hammerhead turnaround arera. The playground has been moved to the east further from the wetlands. The driveway and parking areas have also been revised.

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 Volunteer Housing site plan proposal cannot be granted until DEC completes its field check and makes a regulatory determination.

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2 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.

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 site plan drawings shall be completed by the New York State Department of Transportation (DOT) and all required permits obtained. The off-site improvements for Route 306, prepared by Maser Consulting 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 Village of Pomona is one of the reasons this proposal was referred to this department for review. The Pomona municipal boundary is along Route 306 opposite the eastern property line of the subject site. 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 site plan.

6 An updated review of the June 16, 2014 site plan drawings shall be completed by the United States Army Corps of Engineers and all required permits obtained.

7 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.

8 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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9 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

10 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.

11 Additional information must be provided about the "Future Ambulance Station." This cannot be considered an accessory or complimentary use to the Volunteer Housing. Two principal uses are not permitted on a single lot.

12 Additional information must be provided about the archeological resource to remain on Lot 51 and the access easements to the archeological resource that run across the subject site (Lot 86.) Will the access easement areas include a pedestrian path so that interested members of the public can visit the site? Drawing Number 2 (Layout & Lighting Plan) depicts a chain link fence surrounding the archeological resource. Is the purpose of the fencing to protect the J. Mather Farmstead foundation or to limit access? These issues must be clarified.

13 Stormwater management systems must be contained on-site. Drainage from this site will be directed toward a water quality basin on Lot 51, one of the R-40 lots proposed for single-family development. In our April 23, 2010, July 15, 2010, October 22, 2010, December 13, 2011 and April 16, 2015 General Municipal Law reviews of the Patrick Farm subdivision, we noted that Lot 51 was irregularly shaped and isolated from the other single-family lots. If it is to serve as a stormwater management system for Lot 86, it should be part of the Volunteer Housing site. A future single-family homeowner should not be responsible for the maintenance of a water quality basin serving the drainage needs of an adjacent multi-family development.

14 A chain link fence surrounds the water quality basin mentioned above enclosing approximately 12,949 SF of Lot 51. Roughly 7,500 SF of Lot 51 is labeled as a "Non-Disturbance Area." This land area surrounds the archeological resource. The remaining land area is awkwardly configured 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 land area be combined with Lot 86.

15 Proposed Easement 73 shall be also indicated on Drawing Number 2 since it relates to Easements 70, 71 and 72 in providing access through Lot 86 to the archeological resource located on Lot 51.

16 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.

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

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- 18 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.
- 19 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.
- 20 The areas to remain undisturbed must be clearly delineated in the field prior to any grading or construction on the site. In addition, a conservation easement or deed restriction shall be added to ensure that the wetlands and the buffer area are not disturbed in the future.
- 21 The second sentence of General Note #1 on Drawing #1 shall be eliminated as it is incorrect. General Note #5 only indicates Tax Lot 32.11-1-4 from which the Volunteer Housing Site is derived. The other lots which make up the mother subdivision are not listed.
- 22 Drawing Number 2 includes a note about Drainage Easement 51. It is incorrectly identified as benefiting Lot 87. This drainage easement benefits the subject site. In addition, the easement is misnumbered. Drainage Easement 56, located on Lot 51, benefits Lot 86. The note must be corrected.
- 23 The legend on Drawing Numbers 4 and 5 includes a symbol for wells. However, the well symbol is not found on the maps. A review of Subdivision Drawing Number 89 shows no wells in the vicinity of the Volunteer Housing Site. If there are no wells on the land area that comprises Lot 86, the well symbol must be removed from the legend.

  
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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  
United States Army Corps of Engineers  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Rockland County Historic Preservation Board  
Rockland County Planning Board  
Moleston Fire District  
Leonard Jackson Associates  
Village of Pomona  
New York State Department of State,  
Division of Code Enforcement and Administration  
Yecheil 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.*

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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.*

