



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

January 15, 2015

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.09-1-59 57.09-1-58

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

Map Date: 10/30/2014

Date Review Received: 12/22/2014

Item: **WESTGATE ESTATES (R-2486)**

Five-lot subdivision of 1.4 acres in the R-15C zoning district. A total of 26 residential units are proposed including 11 accessory apartments. Three-family semi-attached residences with three accessory apartments are proposed on Lots 1 and 2. A detached residential building containing one townhouse unit, two flats and three accessory units is proposed on Lot 3. Three-family semi-attached residences with three accessory units are proposed on Lots 4 and 5. Variances are required for each lot. North side of West Central Avenue, 200 feet west of Decatur Avenue

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***

The combined land area of the two parcels proposed to be subdivided is 61,022 SF. This assemblage can yield four 15,000 SF lots or six 10,000 SF lots without deductions for any other site improvements. Lot 58 is landlocked; Lot 59 has 112 feet of frontage along West Central Avenue. In order to provide access to the landlocked portion of the subdivision, a 24-foot wide interior road is proposed. Road A is almost 432 feet long. Given that the interior road is 10,360 SF, only 50,662 SF is available for residential development. By our calculations, three 15,000 SF or five 10,000 SF lots are achievable. The applicant is proposing five lots ranging from 7,574 SF to 11,462 SF. As noted above, a combination of semi-attached and detached residential structures are proposed. Three lots are undersized and do not meet the lot width requirement. Four lots require street frontage variances. Front setback, front yard, rear setback and maximum development coverage variances are required for all five lots. We believe that this proposal will result in a gross overutilization of the site as evidenced by the number and the extent of the variances required. We recommend that both the number of lots and residential units be reduced to more closely conform to the R-15C bulk requirements.

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If the Planning Boards votes to approve the proposed subdivision, we offer the following recommendations.

1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 135 south and 275 east 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.

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

4 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.

5 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 (August 2010) and local ordinances.

6 The applicant must comply with the conditions of the Rockland County Health Department's letter of November 21, 2014.

7 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. 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.

8 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.

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9 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of December 4, 2014.

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

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

12 A 25-foot wide emergency access easement is shown on the site plan and referenced in the narrative summary. The easement traverses through a neighboring property to Decatur Avenue. A single-family residence is currently located on this parcel. The proposed emergency access goes through this residential structure. It is unclear if there is a development proposal for the neighboring property which will result in the removal of this structure. This must be clarified.

13 A long, narrow area in the southwest corner of the site is proposed as a play area for the entire subdivision. This 1,000 SF area is isolated from most of the future residential units, and translates to approximately 38 SF of recreational space per unit. This is unacceptable. A larger play area must be designated in a central location. Amenities including playground equipment and seating areas must be provided.

14 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

15 Map Note # 23 must be corrected to indicate Section 239 N of the General Municipal Law,



Douglas V. 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
Leonard Jackson Associates
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Spring Valley Fire District
Trodale Developers, Inc.

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.*

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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.