

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 16, 2016

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.15-3-29

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 6/22/2016

Date Review Received: 7/27/2016

Item: **21 CALVERT - FREITAG (R-2536B)**

Two-lot subdivision of .6321 acres in the R-15C zoning district. A semi-attached, three-family residence is proposed on each lot.

South side of Calvert Drive, approximately 25 feet east of Crest Court

Reason for Referral:

Village of Kaser

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***

1 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along Calvert Drive immediately north 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 county-wide 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 which is supportive of the goals and objectives of the general area.

The Village of Kaser 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

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Kaser 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 The applicant must comply with the conditions of the Rockland County Health Department's letter of November 16, 2015.

4 The applicant must comply with the conditions of the Rockland County Sewer District's #1 letter of August 3, 2016.

5 This subdivision proposal will result in two undersized, non-conforming lots. As a result, the proposed residential structures will require numerous variances. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.

6 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.

7 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.

8 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed residential building must be held to the requisite minimum standards and comply with all requirements of this code.

9 Since the building height is greater than 30 feet to the eaves, an aerial apparatus road is required. This road must be shown on the plans.

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

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

12 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.

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13 The parking areas on both lots are very constrained. It will difficult for vehicles parked in the southern parking spaces to exit without a turnaround area. The proximity of the sidewalk is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great, creating a safety hazard. A resident traversing along the northern sidewalk will walk directly behind the area needed for a vehicle to back out of the parking space. A turnaround area must be provided so that vehicles do not have to back out into the roadway, or into the sidewalk area, and the plans redesigned to eliminate any potential pedestrian and vehicle conflicts.

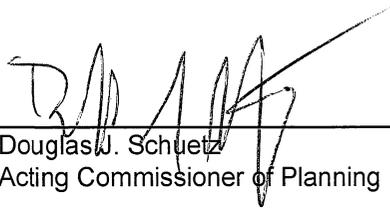
14 It will not be possible for sanitation workers to access to the dumpster enclosures if vehicles are parked in either of the southernmost parking spaces on each lot. The dumpster enclosures must be moved to more accessible locations.

15 It has been indicated in the bulk table that the variances for the proposed two-lot subdivision have been granted. However, the Rockland County Department of Planning has not received the minutes of the meeting stating the Town of Ramapo Zoning Board of Appeals actions or overrides. As required under Section 239-m 6. of the State General Municipal Law, within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report (239-n 6. for subdivisions).

16 The site plan is lacking several features that must be provided. These include the a north arrow and scale for the Vicinity Map. These features must be included on the site plan.

17 The June 22, 2016 letter from Civil Tec Engineering & Surveying PC lists responses to comments received from various Ramapo staff and County agencies. Omitted from this listing are the two letters from the Rockland County Department of Planning, dated December 3, 2015 and May 4, 2016. Since a super majority vote is needed to override any of our comments, it is important to also list our comments, and provide responses as done with all other departments/agencies. This June 22, 2016 letter must be updated to reflect our comments and the responses to them.

18 The proposed residential structures are exactly the same size as in the previous submission despite the fact that no accessory apartments are now proposed in either of the three-family residences. The elimination of six accessory apartments should result in smaller structures, a reduced floor area ratio, reduced development coverage, and more closely complying yards and setbacks. An explanation must be provided as to why the magnitude of the required variances has not decreased.



Douglas W. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District
New York State Department of State,
Division of Code Enforcement & Administration

Civil Tec Engineering & Surveying PC
Village of Kaser

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**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.