

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 17, 2016

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 50.13-3-30      50.13-3-27      50.13-3-26

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 10/30/2014

**Date Review Received:** 7/14/2016

**Item:** *BLUEFIELD EXTENSION (R-2421B)*

Four-lot subdivision of 1.05 acres in the R-15 zoning district. A 20-unit multi-family development is proposed, consisting of a semi-attached, two-family residence with two accessory apartments on Lots 1 and 4, and a semi-attached, three-family residence with three accessory apartments on Lots 2 and 3. The R-15C bulk standards are proposed. A use variance was granted on January 30, 2014. The use variance was not referred to this department despite the requirements of the NYS General Municipal Law. Several of the R-15C bulk standards are not achieved on each of the four lots.

East side of Union Road, opposite Bluefield Drive and 360 feet south of Eckerson Road

### **Reason for Referral:**

Village of Spring Valley, Eckerson Road (CR 74), Village of New Hempstead

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***

On October 23, 2013, this department received a GML referral from the Town of Ramapo for a use variance to permit the proposed multi-family development in the R-15 zoning district. The Town and the applicant's attorney at that time, Ira Emanuel, were informed that the application contained conflicting information. As a result, the application was withdrawn from the November Zoning Board of Appeals (ZBA) agenda and adjourned to the December meeting. This department was informed of this decision by Ira Emanuel in a November 20, 2013 email, and advised that the proper materials would be submitted to all agencies. This department did not receive any new information on this proposal until an incomplete and inaccurate subdivision application was submitted on March 4, 2014.

The Town of Ramapo ZBA, as reflected in the January 30, 2014 minutes, granted a use variance for "ten units of housing, each with one accessory apartment," contingent that the applicant plant a dense row of six-foot high trees across the western property line. A GML review was never issued

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for the use variance despite the reference to such a review in the January 30, 2014 ZBA resolution. A May 6, 2015 letter from the Office of the County Attorney to Deputy Town Attorney Michael B. Specht addresses this issue, requesting that the ZBA minutes be corrected and refiled with the Clerk of the ZBA. The County is not in receipt of a response to this letter issued 15 months ago. To date, the applicant is still proposing uses which are not permitted in the R-15 zoning district. We continue to request the opportunity to review and provide comments on the use variance needed for this proposed project.

The proposed subdivision results in four oddly-configured lots that do not conform to the R-15C bulk standards used as a reference, or the actual R-15 zoning designation. According to the bulk table and project narrative, lot width, street frontage and rear setback variances are required for all four parcels. Three of the four lots require maximum development coverage variances ranging from 18 to 36 percent. The bulk standard non-conformities are compounded by the fact that the townhome configuration is not a permitted use in the R-15 or R-15C zoning districts. This type of residential development is only permitted in Ramapo's multi-family and mixed-use zones. We continue to recommend that the proposed subdivision and the multi-family development be denied.

Furthermore, it is unclear why four lots are proposed, except as an attempt to make the proposal "conform" to the zoning district bulk and use regulations. However, five-family, attached dwellings or row houses are not a permitted use in the R-15 or R-15C zoning districts. The lot lines seem to criss-cross the proposed development layout haphazardly, with no regard for parking or other design factors. To create four lots with the proposed layout, easements must be provided for access, parking, play areas, dumpsters, utilities and the stormwater management system. A more logical layout must be configured.

As presented, this proposal will result in a gross overutilization of the 1.05-acre site and is inconsistent with the community character of the surrounding neighborhood. A residential density of 21 units per acre is proposed. Currently, one- and two-family residences are the predominant land use on Union Road, Ibeck Court, Stetner Street, Jacaruso Drive and Zuba Lane. While multi-family developments are located to the south and east of the subject site, and three-family, semi-attached residences make up the Bluefield Gardens development, this denser residential development is not the predominant land use.

The following comments address our additional concerns about the subdivision proposal.

- 1 Cross easements must be depicted on the subdivision plat for access, parking, play areas, dumpsters, utilities, and the stormwater management system for all of the lots.
- 2 A site plan must be submitted showing all features including sidewalks, staircases, entrances, window wells, decks, porches, patios, etc. This will help to determine if additional variances are required, and if the plans conform to the NYS Uniform Fire Prevention and Building Code.
- 3 Designated parking spaces must be assigned to each residential unit, and clearly identified in the field.
- 4 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 buildings must be held to the requisite minimum standards and comply with all requirements of this code.

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5 It is unclear if parking space # 27 is a handicapped space. This must be clarified. If it is a handicapped space, a more proximate location to the residential units must be provided. No other handicapped parking spaces are provided on the site plan. Handicapped parking areas must be clearly designated throughout the site, and adequate access space provided.

6 The long narrow portion of the play area that extends from the flag section of the site towards Union Road, and along the driveway access, must be properly secured to ensure resident children's safety. Its location, which is close to a heavily traveled road and far from the residential units, raises safety concerns.

7 The Villages of Spring Valley and New Hempstead are two of the reasons this subdivision application was referred to this department for review. The Spring Valley municipal boundary is along the southern property line of the site and along Union Road directly adjacent to the site, as well as 175 feet east of the site. The New Hempstead municipal boundary is 410 feet northeast 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 Villages of Spring Valley and New Hempstead must be given the opportunity to review the current proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. In a letter dated May 14, 2105, the Village of New Hempstead Planning Board concurred with this department's previous recommendations. The board also expressed concerns about overutilization, community character and traffic. The areas of countywide concern noted above that directly impact the Villages of Spring Valley and New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

8 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.

9 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

10 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of July 18, 2016.

11 The applicant must comply with the conditions of the Rockland County Health Department's letter of July 18, 2016.

12 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

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- 13 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.
- 14 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the residents for this purpose.
- 15 Fields of illumination for the proposed on-site lighting shall not extend beyond the property line.
- 16 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 17 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.
- 18 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 (January 2015) and local ordinances.
- 19 Map Note # 7 must be corrected to indicate that the plat conforms to Section 239n of the General Municipal Law as Section 239k no longer exists.
- 20 Map Note # 25 shall be eliminated as it is incorrect and repetitive of Map Note # 7.
- 21 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

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

Anthony R. Celentano P.L.S.  
Villages of Spring Valley and New Hempstead  
Rockland County Department of Law,  
Office of the County Attorney  
Lesser Gross

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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.*

*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.*

