

BE & YO/68 OLD NYACK TURNPIKE (R-2004D)

residential units be reduced to more closely conform to the R-15A bulk requirements.

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

1 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 Planning Board must consider the cumulative and regional impacts of permitting such development.

2 A review must be completed by the Rockland County Highway Department and all required permits obtained.

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of May 17, 2017.

4 An updated review of the March 27, 2017 subdivision plan must be completed by the Rockland County Sewer District #1. In addition, the applicant must comply with the conditions of the Sewer District's letter of January 13, 2017.

5 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.

6 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.

7 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 400 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.

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8 Easements for ingress, egress and utilities are required for Lots 2 and 3 over Lots 1 and 4. The subdivision layout depicted on Drawing No. 1 includes a note stating that the 50-foot cross easement for ingress, egress and utilities is to be abandoned. General Note 33 states that there will be a blanket easement for shared access and utilities. The Layout Plan on Drawing No. 2 shows a 30-foot wide shared driveway benefiting all four properties. The easement area must be clearly defined and illustrated on the subdivision plan. All discrepancies must be resolved.

9 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.

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

11 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.

12 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.

13 Vehicles will be unable to access or exit the two northern parking spaces on Lots 2 and 3 when the garbage is being removed by sanitation workers. The garbage enclosures must be relocated. Access to the garbage enclosures must be unimpeded, and it must be demonstrated that their location will not impact yard requirements and parking maneuverability on the site.

14 All proposed stairways and window wells must be delineated on the site plan demonstrating that they will not impact yard requirement, parking maneuverability or pedestrian safety on the site.

15 General Note 6 indicates that a two-family residence with one accessory apartment is proposed on each lot. The Layout Plan and bulk table specify that two-family residences are proposed. All application materials must be consistent. The applicant must confirm that no accessory apartments are proposed. The reference to accessory apartments shall be removed from General Note 6.

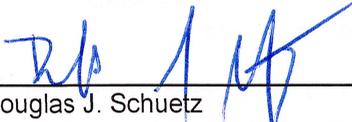
16 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed residential development meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

17 The Layout Plan depicts a two-story dwelling with two units on Lots 1 and 2, and a three-story dwelling with two units on Lots 3 and 4. The bulk table specifies the same building height for each structure. The proposed number of stories in each residential building must be clarified.

18 A scale and north arrow must be provided on the vicinity map.

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19 It has been indicated in the materials submitted with this application that the variances required for the proposed four-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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Deputy Supervisor Yitzchok Ullman, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec Engineering & Surveying PC
Village of Spring Valley

Wales Corley Roseland Cor

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.