

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
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Arlene R. Miller
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February 16, 2017

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 49.16-1-34 49.16-1-33 49.16-1-32 49.20-2-2 49.20-2-1

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

Map Date: 1/10/2017

Date Review Received: 1/11/2017

Item: *BLUEBERRY COMMONS (R-2082E)*

Variances to permit the construction of a 164-unit multi-family complex consisting of 101 townhouses and 63 flats on 16.84 gross acres (13.71 net acres) in the MR-12 zoning district. Required variances include front yard, side yard, and parking space width.

East side of NYS Route 306, south side of Edison Court, and north and south sides of Kearsing Parkway

Reason for Referral:

NYS Route 306, Villages of Spring Valley and Kaser, 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***

1 An updated review shall be completed by the New York State Department of Transportation, and all required permits obtained. The New York State Department of Transportation (DOT) issued comments on this proposal in an April 3, 2014 letter. A subsequent letter, dated May 16, 2014, indicated that these comments remain unaddressed. DOT had recommended that the variances not be granted due to its concerns over possible road widening requirements. All of the DOT concerns and comments must be addressed prior to granting the variances.

2 The application narrative in the current submission states that a flood storage project is also proposed to remove the 100-year floodplain from the site. No additional information is provided about the flood storage project. It is unclear if the United States Army Corps of Engineers (USACOE) or the Federal Emergency Management Agency have reviewed and approved this plan. As noted in the Rockland County Drainage Agency's letter of April 24, 2014, the project area contains designated Federal Wetlands, PSS1Ch and PUBHh. The Drainage Agency recommends that the USACOE be contacted for a jurisdictional determination regarding the proposed activity.

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3 A portion of the subject site previously served as recreational space for the adjacent Blueberry Hill multi-family development. We believe that this space was included in the minimum lot area and residential density calculations for the Blueberry Hill project. If that is the case, further development of these lots may not be allowed. The Village of Spring Valley's Building Department may be able to provide additional information or clarification. This application shall not proceed until the Village of Spring Valley responds to this query.

4 An updated review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

5 An updated review must be completed by the Rockland County Drainage Agency, and all required permits obtained.

6 An updated review shall be completed by the Federal Emergency Management Agency, and any required permits obtained.

7 The Floodplain Administrator for the Town of Ramapo shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency. The 100-year floodplain must be indicated on the current site plan.

8 The Villages of Spring Valley and Kaser are two of the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is along the eastern property line of the site; the Kaser municipal boundary is 250 feet west and 260 feet south 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 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 Villages of Spring Valley and Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

9 The applicant must comply with the conditions of the Rockland County Health Department's letter of November 8, 2016.

10 An updated review must be completed by the Rockland County Sewer District No. 1 and all required permits obtained.

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

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12 The January 10, 2017 site plan submitted with the application lists that 286 parking spaces are being proposed, yet the narrative indicates that 328 parking spaces are being provided at the requested reduced width size. The bulk table and the parking calculation must be updated to reflect that 328 parking spaces are being provided.

13 The bulk table must illustrate clearer the specific variances being sought. As displayed, the bulk table indicates that nine variances are required; yet the application materials, including the January 10, 2016 letter from the building inspector and the narrative, only indicate that three variances are required. In addition, the site plan bulk table must indicate the variances already granted, and the date and zoning board of appeals decision approving such. Lastly, the site plan must have an additional note provided stating that a variance for parking space width is required.

14 The building inspector's letter dated January 10, 2016 contains additional notes from the Fire Inspector which must be addressed. These include the following: 1) all buildings shall be built to meet all 2015 NYS Fire and Building Codes; 2) the elevation for the lowest point of fire department vehicle access and grade plane to be located and shown on the plan for all buildings; 3) the elevation for the eaves and finished third floor are to be shown on the plan for all portions of the building; 4) the building shall be sprinklered with a NFPA 13R System; 5) if any portion of the finished floor is more than 30 feet above the lowest point of department access, a stand pipe system shall be provided; 6) if any portion of the building is more than 30 feet above grade plane, an aerial access road shall be provided as per NYS IFC D105; 7) fire department connections must be mounted on the street front of the building; 8) the applicant must show that there is sufficient fire flow requirements as per NYS IFC 507.3; 9) all egress components are to comply with Chapter 10 of the NYS IFC; 10) no egress stairways shall be within ten feet of the property line as per Section 1027.5 NYS IFC; 11) all basement storage areas are to meet required separation of Table 508.4 NYS IFC; 12) emergency and exit lights for all common hallways and basements are to comply with Section 1008 NYC IFC; 13) a Knox Box shall be shown on the plans as per Section 506 NYS IFC; 14) sufficient parking shall be provided so that fire department access is not blocked; 15) if applicable, all fire zone striping and signage shall be shown on the plan; 16) truss signs shall comply with NYS and Rockland County; 17) the fire alarm system is to be connected to 44 Control; 18) the location of the nearest hydrant shall meet Appendix D Section 103; 19) all ground floor units shall be NYS accessible B+; and 20) all fire department access roads with a hydrant shall meet Appendix D Section 103.

15 Map Note #10 must be updated to reflect the current water company name: Suez.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
United States Army Corps of Engineers
Federal Emergency Management Agency
New York State Department of State

Leonard Jackson Associates
Villages of Spring Valley & 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.