Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 27, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.07-4-37 56.07-3-49

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 8/18/2017 **Date Review Received:** 10/23/2017

Item: ***MONSEY DEVELOPMENT GROUP, LLC/4 HOPAL LANE (R-791A)***

Three-lot subdivision of two parcels that total 1.148 acres in the R-15 and R-15C zoning districts. The 5,456 SF portion of Lot 56.07-3-49, which is zoned R-15C, will be added to Lot 56.07-4-37. Lot 37, which is entirely within the R-15C zoning district, will be subdivided into two lots. A semi-attached, three-family dwelling with three accessory apartments is proposed on Lot 2; a semi-attached three-family dwelling is proposed on Lot 3. An existing single-family dwelling will remain on proposed Lot 1, which will be entirely within the R-15 zoning district, once subdivided.

North side of Hopal Lane, 110 feet west of Blauvelt Road, and east side of Hill Top Lane, 65 feet south of Briarcliff Drive

Reason for Referral:

Village of Kaser, NYS Route 306, 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 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.

2 A review must be completed by the New York State Department of Transportation, and any required permits obtained.

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of October 16, 2017.

MONSEY DEVELOPMENT GROUP, LLC/4 HOPAL LANE (R-791A)

4 The applicant must comply with the condistions of the Rockland County Sewer District # 1's letter of October 10, 2017.

5 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 195 feet southeast 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 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 Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 If there is any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

7 While no variances are required for the subdivision or the residential structures, we are concerned about the building configuration and its consistency with residences in the surrounding neighborhood. This community is characterized by detached residential buildings. The massing of the proposed structure is a significant departure from what currently exists in this area. The applicant seeks to create two lots within the R-15C zoning district that will be developed with semi-attached structures. The maximum permitted floor area ratio and development coverage is proposed on Lot 2. An oddly-shaped residential structure with the maximum allowable floor area is shown on Lot 3. The long, narrow section at the rear of the building allows an adequate party wall connection to the structure on Lot 2. Access to the entrance of this section of the building is provided via a sidewalk from Lot 2. A small play area is proposed to the east of the residence with a larger play area straddling the property line. It is unclear why a fourth parking space is indicated on Lot 3 when only three are required. The fourth parking space must be eliminated. Smaller building footprints and fewer units will allow for a better layout and less impervious area. The proposed residential development shall be scaled back.

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 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.

10 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in the southwestern parking space on Lot 3. The dumpster enclosure must be moved to a more accessible location. Alternatively, the fourth parking space can be eliminated as suggested above.

11 Height information shall be provided for the proposed retaining wall.

MONSEY DEVELOPMENT GROUP, LLC/4 HOPAL LANE (R-791A)

12 All proposed entrances, stairways, window wells and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

13 In February 2017, the Rockland County Department of Health amended the Rockland County Sanitary Code, Article VII, Realty Subdivisions. Therefore, all major subdivisions, i.e., those with three 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. A Long EAF must be provided with any 3-lot or greater subdivision.

14 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

15 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.

16 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.

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

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 General Note #s 4 and 8 must be corrected to indicate that a total of ten residential units are proposed.

20 Section B (Government Approvals) of the Full Environmental Assessment Form must be corrected to indicate that review and approvals are required from the Rockland County Drainage Agency, as well as the New York State Department of Transportation and United States Army Corps of Engineers. The Village of Kaser is an interested agency, and must be listed.

21 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 multi-family dwelling 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.

22 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

MONSEY DEVELOPMENT GROUP, LLC/4 HOPAL LANE (R-791A)

23 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
Rockland County Planning Board
New York State Department of Transportation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District
United States Army Corps of Engineers

Lanc & Tully Engineering and Surveying, P.C.
Village of Kaser

Monsey Development Group, LLC

**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.