



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

August 28, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 50.15-4-80

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 7/17/2017

Date Review Received: 7/31/2017

Item: *MONSEY FLATS II LLC (R-2472C)*

Three-lot subdivision of 1.1376 acres in the R-15 zoning district. Single-family residences are proposed on Lots 1 and 2; a two-family residence is proposed on Lot 3. Street frontage and 280A variances have been granted for Lot 2; lot area, front setback, front yard, street frontage and 280A variances have been granted for Lot 3.

West side of Pascack Road, 80 feet south of Hickory Street

Reason for Referral:

Village of Spring Valley

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 Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 225 feet west 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

MONSEY FLATS II LLC (R-2472C)

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.

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 An updated review of the July 17, 2017 subdivision drawings shall be completed by the Rockland County Health Department, and any required permits obtained. In addition, the conditions in the January 20, 2015 letter from the Health Department must be met.

4 An updated review of the July 17, 2017 subdivision drawings shall be completed by the Rockland County Sewer District #1 and any required permits obtained. In addition, the conditions in the November 28, 2016 letter from the Sewer District must be met.

5 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 applicant is seeking an 18.5 percent in the required minimum lot area for Lot 3, as well as yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density on undersized 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 The bulk table indicates that the proposed development coverage for Lot 2 is 57 percent which is more than the permitted maximum of 50 percent. Therefore, a variance is required and an application must be submitted to the Zoning Board of Appeals. The additional variance required for this proposal is subject to a review by this department as mandated by the New York State General Municipal Law.

7 The development coverage on Lot 2 can be reduced by eliminating two of the four proposed parking spaces. The onsite parking requirement is two spaces per unit. It is unclear why twice the required parking is being provided on Lots 1 and 2. The third and fourth parking spaces must be removed on each lot.

8 While General Map Note 39 indicates that there will be a blanket easement across all lots for utilities, ingress/egress, and emergency access, the easement area is not illustrated on the Layout Plan. Cross easements for access and utilities must be shown on the site plan. The minimum lot area for the three lots should not include the land area within these required easements. Calculations for these deductions must be provided on the plans, as well as a note indicating who will be responsible for maintenance. The easement area deductions might reduce the net lot area for Lots 1 and 2 below the required 15,000 SF resulting in the need for variances. The deductions will further reduce the net lot area of Lot 3 thereby increasing the extent of the lot area variance.

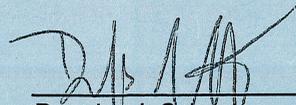
9 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform 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.

MONSEY FLATS II LLC (R-2472C)

- 10 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Hillcrest Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 11 The Town of Ramapo Building, Planning & Zoning Department's August 22, 2016 denial letter contains seven comments from the Fire Inspector that must be addressed.
- 12 A deeper parking turnaround area must be provided on Lot 2 to facilitate turning maneuvers for a vehicle parked in the southernmost space on Lot 3, as well as emergency vehicles.
- 13 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 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.
- 19 A north arrow and scale must be provided on the vicinity map.
- 20 General Note 19 shall be corrected to specify that SUEZ is the water supplier.
- 21 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 FLATS II LLC (R-2472C)

22 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 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

Civil Tec Engineering & Surveying PC
Village of Spring Valley
Hillcrest Fire Company No. 1

Monsey Flats II, 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.