

HEARTHSTONE VILLAGE (R-1741V)

the side setback lines. Decks and patios were not shown on the townhouse submission but would require variances if future homeowners wished to add such features. We recommended that the applicant scale back the proposal by reducing the total number of townhouse units or reducing the size of the individual units. This would result in a project that complied with the M-8 zone's bulk standards and allowed for some flexibility so that future homeowners could make improvements to their residences without the need for variances. Ultimately, the applicant did not pursue this proposal.

In August 2012, the applicant petitioned the Town Board to rezone the property from an MR-8 to an MU-1 zoning designation. This department issued comments on the zone change petition on September 5, 2012 and March 19, 2013. We recognized that this site was one of several areas specifically recommended for placement within a multi-family district in the Town of Ramapo's Comprehensive Plan. Three new multi-family zoning districts were created: MR-8 (8 units per acre), MR-12 (12 units per acre) and MR-16 (16 units per acre). Properties that directly abutted existing residential neighborhoods were considered most appropriate for the lower end of the density range. The subject site, which is immediately adjacent to an R-15A zoning district, was rezoned to MR-8 in accordance with the Comprehensive Plan recommendations.

We also discussed the "Monsey Area Plan" which focused on properties located around the Route 59 and Route 306 intersection. Neo-traditional design principles were considered particularly appropriate for this intersection. This area was to be redeveloped as a focal point of the Monsey community. The re-development proposal included mixed-use buildings with ground floor commercial uses and apartments above. It was also envisioned that this more traditional form of mixed-use development be complemented by the multi-family developments proposed around the "core."

In addition, our review noted that several zone change petitions and development proposals have been submitted for this vacant site over the years. Prior to its MR-8 designation, it was zoned PO (Professional Office). The parcel is approximately 1,500 feet from the Route 59 and Route 306 intersection. It is located beyond the mixed-use development area delineated in the "Monsey Area Plan." While this did not mean that the proposed zone change was inappropriate, we recommended that the Town consider whether a mixed-use development at this site would undermine the revitalization plan for the Route 59 and Route 306 intersection. It was suggested that the Town evaluate the existing land uses in downtown Monsey, as well as the redevelopment that has occurred since the adoption of the Comprehensive Plan, to determine if revisions to the "Monsey Area Plan" would be appropriate. We noted that other vacant parcels, including those to the east of Augusta Avenue, had to be considered in this comprehensive analysis to determine if they should also be rezoned. We believed that an amendment to the Comprehensive Plan was warranted if the mixed-use development area was to be extended.

The zone change petition was granted, and a number of mixed-use development proposals were subsequently submitted to the Ramapo Planning Board. The proposed number of residential units has ranged from 64 in 2012, 56 in 2013, 48 in 2014, 84 in 2015, and 44 in 2017. This department has consistently maintained that development proposals for rezoned sites must comply with all applicable bulk standards and supplementary regulations. Each mixed-use development proposal for this site has required bulk variances and deviations from the supplementary regulations. Our GML reviews have repeatedly recommended scaling back the mixed-use development to comply with the MU-1 bulk standards and the supplementary regulations listed in Section 376-66.A.

The applicant is now proposing to increase the number of residential units by 12 for a total of 56 apartments; the commercial space is increasing from 48,573 SF to 55,817 SF, as is the storage space, from 9,578 SF to 12,427 SF. A fifth building is proposed. The one-story, 2,140 SF structure will be situated between Buildings A and B. These revisions require additional variances. The number of residential units per acre is greater than allowed. The maximum number of linked units in a building is exceeded by 100 percent. Building D is closer to the interior road than permitted; a variance of more than 68 percent is required. Variances were previously granted for front yard, rear setback, rear yard, onsite parking spaces, side and rear buffers, ratio of commercial to residential use and parking in the front yard.

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1 The current site plan did not conform to the MU-1 bulk standards or the supplementary regulations outlined in Section 376-66.A. This department has raised numerous concerns about the proposed mixed-use development throughout its many iterations. The proposal is a significant departure from the MU-1 zoning standards. This mixed-use proposal will result in a gross overutilization of the site which is located on a heavily traveled state highway. This is evidenced by the number and the magnitude of the variances required, and previously granted. The Town must not approve any further deviations from the applicable bulk standards and general use requirements.

2 The applicant's engineer continues to use the total land area to calculate the residential density. This is invalid. The land area devoted to the commercial uses must be subtracted from the total land area before calculating the residential density. A maximum of 49 units are permitted on this site after deducting for the commercial uses. The number of residential units shall be reduced to the permitted maximum or less.

3 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 in nonconforming structures 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. Given the zone change to MU-1, the proposed mixed-use development must conform to the applicable standards. The number of residential units shall be reduced, and the number of linked units in a building limited to 16.

The following comments address additional concerns about the revised layout plan and the required variances.

4 An updated review of the July 23, 2108 Layout Plan must be completed by the New York State Department of Transportation (NYS DOT), and all required permits obtained. In addition, the applicant must comply with the conditions of the NYS DOT's July 11, 2017 letter, as well as any outstanding conditions of their December 6, 2016 letter.

5 An updated review of the July 23, 2108 Layout Plan must be completed by the Rockland County Health Department, and all required permits obtained. In addition, the applicant must comply with the Health Department's letter of May 31, 2018.

6 An updated review of the July 23, 2108 Layout Plan must be completed by the Rockland County Sewer District #1, and all required permits obtained. In addition, the applicant must comply with the Sewer District's letter of June 5, 2018.

7 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 mixed-use buildings must be held to the requisite minimum standards and comply with all requirements of this code.

8 An updated review of the July 23, 2108 Layout Plan must be completed by the Rockland Office of Fire and Emergency Services, the Town's Fire Inspector or the Monsey Fire District to ensure that there is sufficient access and maneuverability on-site for emergency vehicles.

9 The landscaping along Route 59 shall be supplemented with low evergreen plantings in front of the parking spaces facing the roadway to shield headlights from shining into oncoming vehicles traveling on the state highway.

10 In order to ensure that parking spaces are not used and landscaping is not damaged by the weight of the snow or salt intrusion during snow removal, areas must be designated on the site plan for the storage of snow piles. This is especially critical since the minimum onsite parking requirement is not achieved.

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11 The June 4, 2018 CDRC Comments from the Town of Ramapo's Building Department specify three variances: maximum number of units per acre; distance from an interior road to a building; and number of linked units in a building. The August 21, 2018 and August 23, 2018 correspondence from the applicant's engineer includes these deviations, as well as variances for setback for the sound barrier fence and minimum required parking spaces. All application materials must be consistent. The public hearing notice must be reissued if it did not include all required variances.

12 This department is in receipt of complaints from the adjacent homeowners to the north about the ongoing construction and the fact that the applicant is not abiding by conditions imposed at the time the variances were granted and the site plan was approved. The Town of Ramapo must enforce all applicable conditions, and ensure that construction is proceeding as per the approved site plan.

13 General Note 1 includes Lots 56.11-3-53.6, 54 and 55. Only Lot 56.11-3-53.6 is noted on the application form and the GML referral form. All application materials must be consistent. The tax identification number(s) for all of the parcel(s) that comprise the Hearthstone Village site must be clarified.

14 General Note 10 must be corrected to indicate that SUEZ is the water supplier.

15 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.

16 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.

17 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. Schletz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
New York State Department of Transportation
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
Rockland County Department of Public Transportation
Orange and Rockland Utilities
Leonard Jackson Associates

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Sol Menche

Mona Montal, Chief of Staff

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.

