

HIGHVIEW HILLS (R-1957D)

- 2 The applicant must comply with the conditions of the Rockland County Highway Department's April 4, 2018 letter.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's April 3, 2018 and May 15, 2018 letters.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District #1's May 17, 2018 letter.
- 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. It must be determined if a variance is required from the NYS Building and Fire Codes for the distance between the proposed townhouse structures. If so, all appropriate variances must be obtained from the State prior to the commencement of construction.
- 6 The applicant must comply with the conditions of the Town of Ramapo Fire Inspector's December 12, 2017 and February 26, 2018 letters.
- 7 The applicant must satisfactorily address the concerns raised in the Tallman Fire Department's April 3, 2018 letter.
- 8 All proposed building features including exterior staircases, entrances and window wells must be delineated on the site plan demonstrating that they will not impact yard, setback or distance requirements. This is especially critical for the townhouse units which are already very deficient in meeting the minimum distance required between buildings.
- 9 As noted in the narrative summary, the site is within the Scenic Road District. The Town Planning Board must be satisfied that the proposal meets the requirements of Chapter 215. The Town's Department of Public Works and its planning consultant have both raised concerns about conformance with the Scenic Road District requirements in correspondence dated March 5, 2018 and March 6, 2018, respectively. These concerns must be addressed.
- 10 Wall heights are provided for the retaining walls proposed on the east side of the site and on the west side of the condominium building. The height of the landscape walls proposed on the north, west and south sides of the site must also be provided.
- 11 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 12 An almost 15-foot high retaining wall runs along the west side of the condominium building. A staircase and a sidewalk are proposed between the building and the retaining wall. The proximity of the residential structure and the wall will create a canyon effect. The building footprint must be reduced or the wall must be relocated further west to provide sufficient space between these features.
- 13 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents and their guests.

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14 It will be difficult for vehicles to maneuver out of the catty-corner spaces serving Townhouse 22 and 23 as there is not sufficient room. The building locations and parking spaces must be reconfigured so there is no overlap in turning area.

15 Traffic flow must be indicated in the parking lot at the center of the condominium building. A deeper turnaround area may be required at the southern end of this parking area.

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. 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.

17 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.

18 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.

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

20 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.

21 General Note 38 must be corrected to reference Sections 239 L and M of the General Municipal Law as Section 239 K no longer exists.

22 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.

23 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.

24 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.

25 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.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Tallman Fire District

Maser Consulting P.A.
Village of Montebello

Highview Hills, LLC

Mona Montal, Chief of Staff

**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.