



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 21, 2018

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.17-4-58.2

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

Map Date: 5/30/2018

Date Review Received: 7/12/2018

Item: *RAMAPO KNOLLS (R-2124B)*

Site plan for an 18-unit multi-family housing development on 2.26 acres (net lot area) in an MR-8 zoning district. The site is immediately adjacent to a 48-unit multi-family housing development on a 3.13-acre parcel (57.17-4-58.1). Shared access and parking is proposed.

North side of Old Nyack Turnpike, 150 feet west of South Madison Avenue

Reason for Referral:

Old Nyack Turnpike (CR 52), Villages of Chestnut Ridge and 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 interconnection between the subject site and the existing multi-family housing development to the west must be clarified. Both tax identification numbers are indicated in Number 1 of the Standard Site Plan Notes. The two developments will be linked in several ways: the driveways accessing each site could be connected, and the tax lot line runs through the northern building and the eastern parking lot on Lot 57.17-4-58.1. Are the properties in the same ownership? If so, has the applicant considered combining the lots? Thirteen parking spaces that currently serve the existing development will be removed. Previous submissions showed a water quality detention basin straddling the property line and serving both parcels. General Note 10 on the May 30, 2018 Layout Plan references the water quality detention basin which is no longer depicted. In addition, there appear to be lot line discrepancies. The tax lot data currently available to this department shows a very different configuration and a considerably smaller subject site. The project narrative must adequately address these issues. The lot line discrepancies must be resolved prior to site plan approval.

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2 General Note 7 on the Layout Plan indicates that prior to issuance of a Certificate of Occupancy, a covenant shall be created granting shared parking and access between tax lots 57.17-4-58.1 and 57.17-4-58.2. As noted above, it appears that the entrance driveways for both parcels can be connected. However, it is unclear if a turnaround area with curbing is proposed at the western end of the parking area on Lot 57.17-4-58.2, as there are overlapping lines depicted. Such a configuration will prevent a connection between the two parcels. It will also make it difficult for vehicles parked in the easternmost spaces in the existing lot to exit the spots. A turnaround area will be required for that parking area. Clarification must be provided.

3 The Layout Plan contains a notation indicating that the existing lot is to be sawcut along the property line. The lot line runs through an existing parking area containing 17 spaces. At least 13 spaces will be eliminated to facilitate the proposed site plan. It must be clarified that four spaces are to remain. If that is so, a turnaround area must be provided at the eastern end of the parking area.

4 A parking variance is required for Lot 57.17-4-5.1 as the loss of 13 spaces increases the degree of nonconformity.

5 The applicant must comply with the conditions of the Rockland County Highway Department's letter of June 11, 2018, and all required permits must be obtained.

6 The applicant shall explore the feasibility of relocating the 18 existing parking spaces in the southwest corner of Lot 57.17-4-58.1. Currently, vehicles have to back out directly into the County right-of-way potentially impacting the safe and efficient flow of traffic along Old Nyack Turnpike. If the parking spaces are relocated, this area should be landscaped to enhance the appearance of this development.

7 The Villages of Chestnut Ridge and Spring Valley are two of the reasons this proposal was referred to this department for review. The Chestnut Ridge municipal boundary is along the centerline of Old Nyack Turnpike approximately 25 feet south of the site; the Spring Valley municipal boundary is approximately 300 feet northeast 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 Chestnut Ridge and Spring Valley 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 Chestnut Ridge and Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

8 The applicant must comply with the conditions of the Rockland County Health Department's letter of June 11, 2018.

9 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of June 19, 2018.

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- 10 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.
- 11 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 12 The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 13 The fire zones must be clearly marked on the site plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 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.
- 15 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.
- 16 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.
- 17 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.
- 18 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 19 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.
- 20 A landscaping plan shall be submitted for our review.
- 21 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.
- 22 The landscaping and lighting plan should include Lot 57.17-4-58.1.
- 23 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 any 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 for use by residents and their guests.
- 24 The required recreational space calculation shall be included on the site plan. The recreational area must be depicted on the map.
- 25 Standard Note 10 must be corrected to indicate that SUEZ is the water supplier.

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26 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.

27 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 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
Spring Valley Fire District

Brooker Engineering, PLLC
Villages of Chestnut Ridge and Spring Valley

Ramapo Knolls, Inc.

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.