



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 20, 2019

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.06-2-73

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 1/2/2019

Date Review Received: 8/2/2019

Item: *HIGHVIEW CORNER (R-2659A)*

Two-lot subdivision of 0.8262 acres in the R-25 zoning district. An existing single-family dwelling will remain on the 21,932 SF Lot 1 while a new single-family dwelling will be constructed on the 15,331 SF Lot 2. Variances for lot area, side setback, and total side setback will be required for Lot 1. Variances for lot area, side setback, and floor area ratio will be required for Lot 2.

Southwest corner of Highview Road and Remsen Avenue

Reason for Referral:

Highview Road (CR 64)

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:

****Disapprove***

1 Creating the proposed two-lot subdivision results in two substandard lots that require multiple variances. Neither lot would meet the minimum lot area standard of 25,000 SF required for a single-family residence. The applicant is proposing to construct a single-family residence with only 61 percent of the required lot area provided on Lot 2. The floor area ratio for this lot is also 20 percent greater than allowed. While the existing single-family dwelling is to remain on Lot 1, the lot area will be deficient by nearly 14 percent and the total side setback by 30 percent. In addition, both lots' side setback are deficient by 25 percent. The proposed subdivision will require substantial variances to accommodate these residential buildings on undersized parcels. The surrounding neighborhood is characterized by similarly-sized parcels. Granting this subdivision, and subsequent bulk variances, will set a precedent that may result in nearby property owners seeking the same relief. A doubling of the residential density in this neighborhood will negatively impact its community character and infrastructure capacity. Additional residents will generate more traffic on local streets and the nearby state highway. The potential for traffic conflicts is great. The issue of pedestrian safety has been raised repeatedly. In direct contradiction to these concerns, the Town's Planning Board overrides our GML recommendations by granting subdivisions to allow increased residential density on undersized lots such as the subject site. Land use and traffic generation are not mutually exclusive concepts. If more intense uses are permitted, additional traffic will be

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generated causing increased congestion on the roadway network, and putting the walking population at greater risk.

2 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 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.

3 The narrative provided with the application, dated February 5, 2018, does not match the information provided on the site plan, dated January 2, 2019. For Lot 1, the narrative states a lot width variance will be needed and has different measurements for lot area, side setback, and total side setback than the bulk table on the site plan. For Lot 2, again, the provided lot area and side setback measurements on the narrative do not match the site plan. The narrative also mentions that variances for front setback and front yard are needed, but fails to mention the variance required for floor area ratio for Lot 2. It is impossible to conduct a thorough and accurate review when it is not known what information is correct. All application materials must be consistent. The public hearing notice will have to be reissued if it did not contain all appropriate variances. If additional variances are required, a new referral must be sent to the County Planning Department.

The following comments address our additional concerns:

4 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.

5 A review must be completed by the County of Rockland Department of Highways and all concerns addressed and required permits obtained.

6 The applicant must comply with the conditions of the Rockland County Health Department's letter of August 5, 2019 to ensure compliance with the County Mosquito Code.

7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

8 Aerial imagery and the site plan appear to indicate the existing deck on Lot 1 is connected to the existing addition that is to be removed. It must be clarified whether this deck will be altered or removed. All entrances and exits must be illustrated on the site plan to show how access will be obtained.

9 Given that a minimum lot area variance of almost 39 percent is required for Lot 2, the building footprint must be reduced so that the floor area ratio standard is achieved.

10 General Note 3 and the Referral Form specify that the property is in an R-15 zoning district. This is incorrect. The R-25 zoning designation must be indicated in the notes and on the Referral Form.

11 Map Note #33 must be completed with the appropriate information.

12 The Legend includes symbols that are not displayed on the site plan. These symbols must be removed.

13 A review of the subdivision drawings must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire District to ensure that fire trucks and other vehicles can safely maneuver the individual driveways in the event an emergency arises.

14 The site plan indicates a 639 SF portion of land along Highview Road will be donated to the Town of Ramapo. This must be changed to the Rockland County Highway Department.

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- 15 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. 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.
- 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, 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 Standards 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 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.
- 21 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 Health
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec Engineering & Surveying P.C.

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.*

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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.