Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 29, 2020

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 32.11-1-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 1/2/2020 **Date Review Received:** 1/7/2020

Item: ***1175 HAVERSTRAW ROAD SUBDVISION (R-1249EE)***

Two-lot subdivison of 151.27 acres in the R-40 zoning district.
West side of Route 306, east side of Haverstraw Road, south side of Old Route 202 and north side of Scenic Drive

Reason for Referral:

NYS Routes 202 and 306, Villages of Pomona and Wesley Hills, Harriman State Park, New York State and Federal wetlands, and Rockland County Sewer District #1 pump station

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 This subdivision application will separate 10.13 acres from the proposed 88-lot Patrick Farm subdivision. This land area comprised nine of the Patrick Farm single-family lots. It is unclear how the elimination of these parcels will affect the overall Patrick Farm proposal. This must be addressed in the project narrative as a buffer of single family lots was to mitigate the view of the proposed multi-family dwellings from the surrounding low-density neighborhoods. The reason for the subdivision must also be clarified.

2 Twenty-three percent of the land area in proposed Lot 2 is subject to lot area deductions for environmental constraints and utility easements. As a result, the net lot area is 8.97 acres. Besides the steep slopes, wetlands and floodplain encumbrances, Lot 2 is bisected by the 100-foot wide Orange and Rockland Utilities right-of-way and the concurrent 50-foot wide Columbia Gas transmission easement. In addition to lot area deductions, these features limit the development potential of this property. Our previous reviews of the Patrick Farm proposal included comments that focused on this portion of the proposed subdivision. We recommended that several lots be eliminated because of the constraints mentioned above. It is unclear why this ten acre parcel is being created given that it is one of the more encumbered portions of the Patrick Farm site. An explanation must be provided.

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3 It appears that the land area included in the Road "F" Connection to Route 306 will not be part of Lot 2. This must be confirmed as Road "F" was the only internal road providing access to Route 306 in the proposed Patrick Farm subdivision.

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. The applicant must also comply with the conditions of the Rockland County Drainage Agency's email of January 13, 2020 and letter of August 1, 2018.

5 Future development proposals for either lot are subject to a review by the New York State Department of Transportation, and all required permits must be obtained.

6 The Villages of Pomona and Wesley Hills are two of the reasons this proposal was referred to this department for review. The Pomona municipal boundary is along Route 306 opposite the northern and eastern property lines of the subject site. This area is zoned R-40, a low-density residential zone characterized by single-family residences on large lots. The municipal boundary for the Village of Wesley Hills is along the western and southern property lines of the site. This area of Wesley Hills is zoned R-50, a low-density, single-family residential zoning district. 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; the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and such other measures as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining a satisfactory community environment. 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 Pomona and Wesley Hills 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 Pomona and Wesley Hills must be considered and satisfactorily addressed, as well as any additional concerns about the current subdivision proposal.

7 If future development plans include any encroachment into the Federal wetlands, a review must be completed by the United States Army Corps of Engineers and all required permits obtained.

8 Future development proposals for either lot are subject to a review by the New York State Department of Environmental Conservation, and all required permits must be obtained.

9 Future development proposals for either lot are subject to a review by the Palisades Interstate Park Commission, and their comments or concerns must be addressed.

10 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of January 16, 2020.

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11 Water is a scarce resource in Rockland County; thus proper planning and phasing of future development proposals 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.

12 Engineering plans and specifications for future installation of a sanitary sewer system on either parcel shall be reviewed and approved by the Rockland County Health Department prior to construction

13 A formal notation on the approved plans for future development proposals must specify that the existing wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. The Rockland County Department of Health must be notified of the intent to decommission the wells, and monitor the process to ensure that it is done in compliance with the specifications of Article II. Furthermore, this work must be done in accordance with the terms of a well decommissioning permit that must be obtained from the Rockland County Department of Health.

14 A review of the subdivision maps must be completed by Orange and Rockland Utilities, and their comments or concerns satisfactorily addressed.

15 A review of the subdivision maps must be completed by Suez, and their comments or concerns satisfactorily addressed.

16 Prior to the start of construction or grading for future development of either lot, 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.

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

18 A stormwater pollution prevention plan (SWPPP) must be provided for future development proposals on either lot. 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.

19 Any future development proposals for either parcel are subject to a review by this department, as mandated by the New York State General Municipal Law.

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.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
New York State Department of Transportation
Palisades Interstate Park Commission
United States Army Corps of Engineers
New York State Department of Environmental Conservation
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Orange and Rockland Utilities
Columbia Gas
SUEZ

Atzl, Nash & Zigler P.C.
Villages of Pomona and Wesley Hills

Darryl Hagler, PF RE Holdings, 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.