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 23, 2020

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.10-1-3.2 49.10-1-3.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 12/6/2019 **Date Review Received:** 1/6/2020

Item: ***TEACHER MOMMY DAYCARE (R-2431E)***

Site plan for a daycare center on 1.3 acres in an RR-50 zoning district. Two partially constructed residential dwellings on two separate tax parcels are to be altered for the daycare use. The lots will be combined. Variances for lot area, front setback, front yard, side setback, total side setback, rear setback, and development coverage have been granted.
South side of Viola Road, opposite Quince Lane

Reason for Referral:

Viola Road (CR 74), Rockland Community College

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 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 lot area of the two parcels is only 65 percent of the required minimum while the maximum permitted development coverage is exceeded by 40 percent. The front yard and front setback are deficient by 50 percent. The side setback and total side setback are also 70 percent deficient. The ability of the existing infrastructure to accommodate more intensive land uses 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.

2 Day care centers are allowed as a principal use in the RR-50 zoning district by special permit. As such, they are subject to a higher standard of review. The Town shall be satisfied that the proposed day care center complies with the general standards for special permit uses outlined in Section 376-120 of the Town Code.

TEACHER MOMMY DAYCARE (R-2431E)

3 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of January 10, 2020.

4 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

5 A review must be completed by the Facilities Management Division of the Rockland County Department of General Services, and any comments or concerns satisfactorily addressed.

6 A review must be completed by Rockland Community College, and any comments or concerns satisfactorily addressed.

7 As required by the Rockland County Stream Control Act, the subdivision plan to merge the lots 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.

8 An updated review must be completed by the Rockland County Sewer District No. 1. In addition, the applicant must comply with the comments in their letter of August 29, 2019.

9 The daycare center buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

10 The applicant must satisfactorily address the comments in the Town of Ramapo Fire Inspector's letter of August 31, 2018.

11 The applicant must satisfactorily address the concerns raised in the Tallman Fire Department's letter of September 2, 2019.

12 It should be clarified as to how the snow storage areas to the west and south of the building will be accessed. As designed, these areas are inaccessible to vehicles. New snow storage areas shall be proposed that are accessible to snow plows.

13 A drop off area is inappropriate given the age range of the children to be served. Infants and toddlers will have to be escorted into the daycare building. There is insufficient room for vehicles to stack and/or park in the drop off area. Since this is likely also a fire lane, parking is not permitted. Parking spots must be designated for short-term parking to allow parents to bring infants and toddlers to and from their classrooms.

14 Offsite parking shall be identified to prevent any vehicles from parking on the County road in the event that any after-hours activities occur. Under no circumstances is parking on a County roadway or in the Right-of-Way permitted.

15 Given the proposed daycare center use, fencing must be provided around the stormwater detention pond to ensure the safety of the children.

16 The project narrative indicates a fence will separate the parking area and the play area. However, no fence is illustrated on the site plan. The site plan shall be updated to show this fence.

17 The use of pervious pavers shall be considered to reduce the extent of the development coverage.

18 A net lot area calculation must be provided, as approximately 4,690 SF of the lot area is within the designated street line.

TEACHER MOMMY DAYCARE (R-2431E)

19 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.

20 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.

21 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 Guidelines for Urban Erosion and Sediment Control.

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

23 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.

24 The bulk table must be corrected to reference the total side setback standard rather than total side yard.

25 The zoning designation for the subject parcel is RR-50, a rural residential district. The incorrect zoning designation is specified in the application materials. Map Note 3 and the bulk table must be corrected on the planimetric plan. The correct designation must also be indicated on the application and GML referral forms. All application materials must be consistent.

26 Map Note 7 must be corrected to reflect Section 239 L and M of the General Municipal Law, as this is an application for a site plan not a subdivision.

27 Map Note 12 must be corrected to indicate the Tallman Fire District rather than Monsey.

28 Map Note 14 must be corrected to indicate that SUEZ is the water supplier rather than United Water.

29 It is unclear if any of the map notes must be revised due to the proposed change in use. This must be clarified.

30 We request the opportunity to review the special permit that is required to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

31 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.

32 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.

TEACHER MOMMY DAYCARE (R-2431E)

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
New York State Department of State
Rockland Community College
Rockland County Department of General Services,
Division of Facilities Management
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Drainage Agency
Rockland County Sewer District #1
Tallman Fire District

Fusco Engineering & Land Surveying, P.C.
Ira M. Emanuel, P.C.

Teacher Mommy Daycare

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.