



COUNTY OF ROCKLAND  
DEPARTMENT OF PLANNING

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County Executive

SALVATORE CORALLO  
Commissioner

ARLENE MILLER  
Deputy Commissioner

April 14, 2008

Ramapo Town Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 49.17-2-67    49.17-2-66    49.17-2-65

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

**Map Date:** 1/24/2008

**Date Review Received:** 3/14/2008

**Item:** *HIGHVIEW HILLS, LLC (R-1957B)*

Special permit application to allow an active adult housing development consisting of 60 townhouses and 42 condominium units on 10.919 acres currently in an R-35 zoning district. A zone change petition is pending before the Town Board to rezone the property to RSH.  
North side of Highview Road, east side of Carlton Road

**Reason for Referral:**

Highview Road, Spook Rock Road

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***

Active Adult Housing Developments are allowed in the RSH zoning district subject to the special permit standards outlined in Article XVI, Sections 376-160, 161 and 163 as well as all applicable bulk requirements. A General Municipal Law review is required for the proposed special permit use because the site is within 500 feet of two county roads and an adjacent municipality; it fronts on Highview Road and is directly opposite the intersection of Spook Rock Road and Carlton Road as well as the Village of Montebello. The Rockland County Highway Department and the Village of Montebello have both raised objections to earlier versions of this proposal as well as the currently conceived development proposal.

The Rockland County Highway Department Standard Specifications state, "If two roads are available, entrance shall be from the least heavily traveled as determined by the County Superintendent of Highways." In its letters of December 27 and 28, 2007, the Rockland County Department of Highways indicated that the proposed curb cut on Highview Road should be eliminated. In their opinion, ingress and egress from Highview Road would have a major impact on this county road. They recommended that traffic be diffused to a local street (Carlton Road) to alleviate congestion on an already heavily traveled county road. The Highway Department

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concludes that the site is best served by accessing Carlton Road not Highview Road. Given this decision by the permitting agency, we believe that the proposal before us must be revised significantly. The applicant must satisfy all the conditions of the Highway Department's December 27 and 28, 2007 letters.

The Village of Montebello is opposed to the zone change and proposed active adult community as currently configured. The Planning Consultant for the Village of Montebello issued comments on the original Woodside proposal on February 9, 2007. Many of the comments and concerns raised in that letter are still valid. The Montebello Village Attorney issued a letter on December 27, 2007 objecting to the proposal as well as the scheduled public hearing date. Mr. Berbit attached the Geneslaw comments to his letter. This department concurs with the issues raised by the Village of Montebello.

While the concept layout plan conforms to most of the special permit standards outlined in Section 376-163, the applicant is seeking a waiver to allow the 20-foot buffer along the perimeter of the site to be located within the required 50-foot setback. The 20-foot perimeter buffer must be in addition to the 50-foot setback to adequately protect the adjacent low-density residential districts. Proposed Unit # 5 and #60 are awkwardly configured so that their building footprint does not extend beyond the 50-foot setback. The driveway for Unit # 5 however, does encroach into the setback area.

In addition to meeting the special permit standards and the bulk requirements for the proposed use, the applicant must consider community character issues. We do not believe that a density of more than nine units per acre is appropriate on this site. The surrounding community is characterized by low-density, single-family neighborhoods. An RR-50 (Rural Residential) zoning district is located across Carlton Road in the Village of Montebello. The Estate Preservation Overlay District is northwest of the site also in Montebello. The immediately adjacent properties within unincorporated Ramapo are zoned R-35. An R-25 zoning district is located on the opposite side of Highview Road. The surrounding residential densities range from one unit per 1.83 acres to 1.74 units per acre, significantly less dense than this proposal. Detached and semi-attached single-family residences are also permitted Active Adult Housing Development uses in the RSH zoning district, and would be more appropriate in this low density area.

While this department is not necessarily opposed to allowing an Active Adult Housing Development as a special permit use on this property, the concept layout plan submitted with this Zone Change application is unacceptable. The applicant must redesign the proposal so that it is more compatible with the surrounding residential development. The proposed density and scale of the buildings must be reduced significantly.

If the zone change petition and special permit application are granted, the required site plan application must be submitted for review by this department as mandated by the New York State General Municipal Law.



Salvatore Corallo  
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Maser Consulting P.A.  
Village of Montebello

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David Gleich/Highview Hills LLC

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.*

*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.*