



# COUNTY OF ROCKLAND

## DEPARTMENT OF PLANNING

Building T

50 Sanatorium Road

Pomona, New York 10970

(845) 364-3434

Fax. (845) 364-3435

C. SCOTT VANDERHOEF  
County Executive

SALVATORE CORALLO  
Commissioner

ARLENE R. MILLER  
Deputy Commissioner

April 21, 2009

Ramapo Planning 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:** 3/18/2009

**Date Review Received:** 3/24/2009

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

Site plan application for an active adult housing development consisting of 50 townhouses and 38 condominium units in two three-story buildings on 10.919 acres in an RSH zoning district.  
North side of Highview Road, east side of Carlton Road

**Reason for Referral:**

Highview Road, Spook Rock Road, Village of Montebello

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 applicant must comply with the conditions outlined in the Rockland County Highway Department's letter of March 30, 2009.
- 2 Given the increased residential density proposed and the existing traffic issues in the area, a traffic study is warranted
- 3 A lighting plan must be submitted for our review. The fields of illumination must be shown and contained within the property lines. Lighting from on-site sources must not shine onto the County right-of-way.

#### HIGHVIEW HILLS, LLC (R-1957C)

4 As noted above, the Village of Montebello is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Carlton Road directly adjacent to 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 county-wide 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 recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

The planning consultant for the Village of Montebello issued comments on earlier versions of this proposal on February 9, 2007 and January 29, 2008. He raised concerns about the proposed density of these earlier versions and the impact of this density on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The attorney for the Village of Montebello has also commented on the density of previous versions of this proposal in a letter dated December 27, 2007. The areas of countywide concern noted above that directly impact the Village of Montebello must be considered and satisfactorily addressed, as well as any additional concerns about the revised site plan.

5 Cross-sectional views of the condominium buildings and underground parking must be submitted for our review so we can evaluate the visual impact of the three-story buildings on the surrounding neighborhood.

6 The landscape plan provided is only for the buffer area not the entire site. A detailed landscape plan for the whole site must be submitted for our review. Supplemental landscaping must be provided at the north end of the central courtyard/garden area to buffer views of the condominium parking area. This is a focal point when seen from the main driveway entrance to the site.

7 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. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

8 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

**HIGHVIEW HILLS, LLC (R-1957C)**

9 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

10 There shall be no net increase in stormwater runoff from the site.

11 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 New York State Guidelines for Urban Erosion and Sediment Control.

12 A review must be completed by the Tallman Fire District to ensure that site and the buildings can be easily accessed in the event of a fire or other emergency.

13 The ability of the existing infrastructure to accommodate a residential development of this size 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 this increased residential density.

14 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

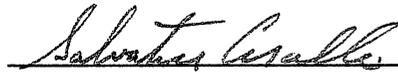
14.1 This department issued General Municipal Law reviews for the zone change on January 16, 2008 and the special permit on April 14, 2008. The original proposed 102 units consisted of 60 townhouses and 42 condominiums. We expressed concern, as did the Village of Montebello in the aforementioned correspondence, that the proposed density of more than nine units per acre was not appropriate for this site given that the surrounding community is characterized by low density, single-family neighborhoods. In our zone change and special permit reviews, we recommended that the proposed Active Adult Housing Development be redesigned so that it is more compatible with the surrounding residential development, and the proposed density and scale of the building be reduced significantly.

The current proposal has been reduced to 88 units - 50 townhouses and 38 condominiums. While we acknowledge that this reduction attempts to address the density concerns raised by this department and the Village of Montebello, we believe that additional adjustments are necessary. The scale of some of the buildings and massing of some of the units is inappropriate. The townhouse units in the center of the site (Units 1 through 7 and 45 through 50) should not be attached to the condominium buildings. These are two distinct types of residential living that should be physically separate.

The row of seventeen attached townhouse units on the eastern side of the site results in a building wall of approximately 565 linear feet. The backyards of the single-family residences in the adjacent R-35 zoning district are within 70 feet of this massive building wall. These residential properties range in size from over .5 acres to more than two-thirds of an acre. Even with the proposed landscaping and buffers, this massing of units is inappropriate. The visual impact of this long building on the adjacent property owners will be negative and completely out of context with the surrounding low density residential development. These 17 units should be contained in more than one building. Since there must be thirty feet between detached buildings, some units may have to be eliminated or reduced in size by eliminating the second story bonus room (overhang) connection between units.

**HIGHVIEW HILLS, LLC (R-1957C)**

14.2 The special permit standards for Active Adult Housing Developments specify that suitably equipped and adequately maintained recreation and open space be provided. Group sitting areas shall be well defined by walls, fences, hedges or other plantings designed to impart a sense of containment or security and to provide group privacy. While a 3000 SF community facility is proposed within one of the condominium buildings and more than fifty percent of the site will remain as green/open space with landscaping and walking trails, there are no outdoor sitting areas proposed. Given that the future residents of this development will be active senior citizens, we believe that sitting areas in close proximity to the walking trails are appropriate as well as a larger outdoor gathering area. A sitting area could be provided in the northeast corner of the site. We believe that the western triangular portion of the site is an ideal location for an outside gathering area. If the two isolated townhouse units were eliminated, a gazebo and garden area could be a community focal point for this development.



Salvatore Corallo  
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo  
Rockland County Department of Highways  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Rockland County Planning Board  
Maser Consulting P.A.  
Village of Montebello

Highview Hills LLC

*\*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.*