



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
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Richard M. Schiafo
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October 23, 2023

Ramapo Town Board
237 Route 59
Suffern, NY 10901

Tax Data: 33.09-2-37

33.09-2-31

33.13-2-6

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

Map Date: 08/14/2023

Date Review Received: 08/24/2023

Item: *MILLERS POND PUD (R-2897)*

A local law to amend the Town of Ramapo zoning regulations to create the Millers Pond Planned Unit Development (MP-PUD) and amend the zoning map to locate the MP-PUD on three tax lots of the former Minisceongo Golf Course, currently in the RR-80 zoning district, in accordance with Section 376-24 - Planned Unit Development District and Development. The proposed zoning text amendment provides use, bulk, and development standards for the MP-PUD. A Preliminary MP-PUD Plan has been submitted for a 143.6-acre, mixed use development with 637 residential units and 67,000 square feet of commercial space. The Preliminary MP-PUD Plan is proposed to be constructed in five phases, with a sixth phase reserved for potential future development. An existing club house is to remain and be repurposed for commercial/amenity space.

Northern side of Pomona Road, opposite Summit Park Road

Reason for Referral:

Pomona Road (CR 86), Rockland County Sewer District No. 1 Pump Station, Rockland County Fire Training Center, Minisceongo Creek, Samuel G. Fisher Mount Ivy Environmental Park, Villages of New Hempstead and Pomona

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*

The former Minisceongo Golf Course was identified as Opportunity Area D in the Northeast Ramapo Development Plan (NRDP), which was simultaneously prepared as an amendment to the existing 2004 Comprehensive Plan and as a Generic Environmental Impact Statement (GEIS) pursuant to the New York State Environmental Quality Review Act (SEQRA). The NRDP focused on five, later reduced to four, areas in the unincorporated northeastern portion of the Town that were characterized by lower levels of residential and commercial density. The stated goal of the NRDP was to present strategies for stable, sustainable development and allow for pedestrian-scaled developments with mixed uses and adequate infrastructure that can accommodate future growth. Among its recommendations, the NRDP proposed the creation of the Flexible Overlay Planned Unit Development District (FOPUD) for three of the identified Opportunity Areas, including the subject parcel. The NRDP GEIS, which included the proposed code amendments necessary to enact its recommendations, was adopted by the Ramapo Town Board on July 13, 2022. By Local Law 5 of 2022, the

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Ramapo Town Board established the Planned Unit Development District regulations, which are set forth in Section 376-24 and provide general regulations, application process, and approval criteria for Planned Unit Developments. On August 2, 2023, the Ramapo Town Board adopted an Amended and Supplemental Findings Statement for the Miller Pond PUD project and MP-PUD, and found that the project was adequately addressed in the NRDP GEIS. We offer the following comments on the proposed zoning text amendment, mapping of the MP-PUD, and the Preliminary MP-PUD Plan.

- 1 If the proposed establishment of a PUD district and preliminary PUD plan are approved by the Town Board, a final PUD plan/site development plan must be submitted to the Town of Ramapo Planning Board for their approval. We request the opportunity to review the final PUD plan/site development plan application, as required by General Municipal Law. This department anticipates that, at that time, additional materials that provide greater detail to evaluate the Final PUD plan will be provided. This should include, but is not limited to, detailed landscaping plans, open space amenities and street furniture, lighting, emergency vehicle access, drainage, soil and erosion control, utilities, and signage.
 - 2 The Villages of New Hempstead and Pomona are two of the reasons this proposal was referred to this department for review. The New Hempstead boundary is along the southern side of the Pomona Road right of way and along the eastern and southern sides of the Station Road right of way. The Pomona boundary is along the western side of the Camphill Road right of way. 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 with 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 to predominant land uses, population density, and the relation between residential and nonresidential areas. 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 New Hempstead and Pomona issued shared comments on this proposal in a letter dated September 22, 2023. These Villages raised concerns over impacts to water supply, sanitary sewage, and traffic from the proposed development. The areas of countywide concern noted above that directly impact these municipalities, particularly those regarding the adequacy of regional infrastructure, must be considered and satisfactorily addressed, as well the additional concerns raised in the letter of September 22, 2023.
- 3 The applicant must comply with all comments made by the Rockland County Sewer District No. 1 in their letter of June 6, 2023.
 - 4 The applicant must comply with all comments made by the Rockland County Health Department in their letter of May 30, 2023.
 - 5 The applicant must comply with all comments made by the Rockland County Highway Department in their letter of September 15, 2023.
 - 6 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.
 - 7 A review must be completed by the Rockland County Office of Fire and Emergency Services, Town of Ramapo fire inspector, or the Moleston/Hillcrest Fire Department to ensure that the site is designed in a safe manner and there is sufficient access to, and maneuverability on, the site for emergency vehicles. In addition, the Rockland County Office of Fire and Emergency Services stated several concerns over the proposed development in a letter to the applicant dated October 17, 2023. These concerns must be addressed by the applicant at this time or as part of their application for Final PUD/Site Plan approval.
 - 8 A review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.

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- 9 A review must be completed by the Rockland County Department of General Services and any concerns addressed.
- 10 A review must be completed by Orange and Rockland Utilities and their comments considered.
- 11 A review must be completed by the Veolia North America and any concerns addressed.
- 12 Due to federally regulated wetlands on the site, a review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
- 13 The site plan indicates the presence of state regulated wetlands. A review shall be completed by the New York State Department of Environmental Conservation (NYSDEC) and all required permits obtained.
- 14 Note 2 on Sheet C-2.1 regarding Sustainable Energy Measures states that "the proposed project anticipates offering charging infrastructure in private garages and potentially in common parking areas..." Section 376-25.F.c.v.7 of the proposed zoning text states that "a minimum of 1 Electric Vehicle (EV) charging station per 20 parking spaces will be installed in common commercial parking areas." This requirement is repeated in a note next to the parking chart on Sheet C-2.0. All materials must be consistent. Installation of publicly available charging stations is one of the key strategies of the New York State Climate Leadership and Community Protection Act (The Climate Act), which is one of most ambitious and aggressive climate and clean energy initiatives in the country. This department supports the goals of the Climate Act and recommends that the requirement for EV charging stations remain in place. Furthermore, as per Section 376-24.B(3)(g)[8], one of the general design criteria for a PUD is the encouraging of LEED design or similar green or sustainability initiatives. The installation of publicly available charging stations should be considered a required design element for the proposed development.
- 15 As noted in the previous comment, one the general design criteria for projects seeking PUD District approval is to encourage incorporation of LEED design or similar green or sustainability initiatives. In addition to the installation of EV chargers, this proposal presents multiple opportunities to incorporate additional sustainability initiatives. Features such as green roofs, rooftop or carport solar panels, and LEED Certified construction would help advance the goals of the Climate Act while conforming to the stated design criteria for a PUD District. The Town Board must consider incorporating additional sustainability elements to the proposed MP-PUD.
- 16 Section 376-25.F.f of the proposed local law states that "All stormwater management facilities shall be privately owned and maintained by the applicable homeowner's association." However, Section 376-25.F.1.iii states that "A stormwater facility maintenance agreement shall be entered into between the Town and the Project Sponsor..." Meanwhile, Section 376-25.F.1.ii places responsibility for the maintenance of common areas other than stormwater management facilities with the homeowner's association. The proposed local law must clarify which entity is responsible for the maintenance of stormwater management facilities. The NYSDEC has produced guidance for inspection and maintenance of stormwater practices. This guidance can be used by design professionals when developing operational and maintenance documents during SWPPP development and MS4 staff that perform inspections. This document can be found at <https://www.dec.ny.gov/chemical/8694.html>.
- 17 The density requirements proposed in Section 376-25.F.c.iii state that the maximum residential density shall be "5 dwelling units per one (1) acre of gross lot area of the MP-PUD district less lot area devoted to non-residential uses (e.g. village center area)" and the maximum non-residential floor area ratio shall be 0.3 based on "the gross lot area, the horizontal area between lot lines of the village center area of the MP-PUD district." It is not clear how these bulk requirements will be calculated since there is no clear demarcation of the Village Center area and the mixed use building will also contain residential units. The preliminary MP-PUD plan must indicate the boundaries of non-residential area and the proposed maximum residential density requirement must clarify how units within the mixed use building will be assessed.
- 18 The MP-PUD bulk table on Sheet C-2.1 provides the bulk requirements as proposed in Section 376-25.F.c. but does not provide proposed measurements for any of these requirements. The bulk table must demonstrate compliance with the proposed bulk requirements. In addition, the site plan must include calculations for development coverage, non-residential floor area ratio, and units per acre so that their accuracy can be verified.

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19 Section 376-25.F.c.vi establishes minimum setbacks from the MP-PUD zoning district boundary of 70' for principal buildings and 20' for accessory structures. However, some of the potential accessory structures listed, such as sports courts, clubhouses, pools, or parking lots, may have an equal or greater potential to disturb neighboring properties than residential structures. As these setback requirements will regulate any future development, including the area designated as Phase 6, the Town should consider increasing the minimum setback for accessory structures.

20 One of the objectives listed in Section 2: Purpose and Intent of the proposed local law is to reduce reliance on personal vehicle trips for meeting residents' basic needs. The inclusion of mixed commercial/residential space within the Village Center area and development of a system of sidewalks and trailways throughout the development are appropriate strategies towards meeting this goal. However, many of the residences at the northern end of the development will have walking distances of more than one-half of a mile to the Village Center. As a result, many residents may opt to use personal vehicles for travel within the development. The applicant should explore methods to mitigate the use of personal vehicles. Strategies such as the establishment of bicycle lanes and related infrastructure or providing regular electric shuttle routes could encourage less use of personal vehicles and further the stated goal of reducing reliance on personal vehicle trips.

21 The Rockland County Fire Training Center is located within 500 feet of the subject property. As part of its ongoing training programs, the Rockland County Office of Fire and Emergency Services (OFES) occasionally makes use of a burn building that will be less than 1,000 feet from proposed residential buildings. These residences will be significantly closer to the burn building than any other residential properties currently existing. The Town Board must consider requiring the applicant to establish a method of communication between the OFES and the homeowners association so that residents may be notified in advance of planned burns and also to require disclosure of the presence of this facility to potential residents.

22 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. 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.

23 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.

24 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If any of the proposed multi-family dwellings meet the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

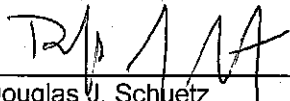
25 Parcel 33.09-2-31 is not contiguous with the other two parcels in the proposed development. An easement over the Samuel G. Fisher Mount Ivy Environmental Park allows pedestrian access via a wood causeway between this parcel and the remainder of the site. This easement appears to have been established as part of the sale agreement of County-owned land for the creation of the Minisceongo Golf Course and may be contingent on the use of the property as open space. With the property now having been sold for development, it is unclear whether the easement rights have been transferred with ownership of the property. The applicant must verify that this easement remains in force.

26 The Town Board must be assured that the proposed PUD District and preliminary PUD plan meet the criteria for approval found in Section 376-24.B(3)(f) and the general design criteria found in Section 376-24.B(3)(g).

27 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.

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28 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 U. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Health
Rockland County Division of Environmental Resources
Rockland County Drainage Agency
Rockland County Highway Department
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District No. 1
New York State Department of Environmental Conservation
Orange and Rockland Utilities
United States Army Corps of Engineers
Moleston/Hillcrest Fire District
Veolia Water New York
Rockland County Department of General Services

Kimley Horn
Village of New Hempstead Planning Board
Village of Pomona Planning Board

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. The review undertaken by the County of Rockland Department of Planning 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 County of Rockland Department of Planning 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 County of Rockland 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.