

DRAFT

September 9, 2020

Mr. Douglas J. Schuetz,
Acting Commissioner of Planning
Department of Planning
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, NY 10970

Re: Town of Ramapo Local Law #5-2020
Large Lot Zoning Regulations For R-15C Zoning District

Dear Mr. Schuetz:

Thank you for your Department's August 10, 2020, comments on the above introductory local law. The Town Board seriously considered each of the comments, including the suggested modifications to the introductory local law. For the reasons set forth in this letter, the Town Board's Resolution of Adoption and the Board's Resolution of SEQR Negative Declaration, the Board respectfully accepts and incorporates certain comments set forth in the Department's August 10 letter, and disagrees with and overrides the other comments in that letter. The Town Board adopted the local law on a vote of 4-0-1, and a copy of the adopted law is enclosed with this letter.

This local law addresses shortcomings associated with the R-15C zoning regulations that are recognized in the Town's Comprehensive Plan and incorporates improvements to the District recommended in the Comprehensive Plan. The Board disagrees with and overrides the Department's suggestion that the age of the Comprehensive Plan invalidates the plan's recommendations since those recommendations for the R-15C District remain apt.

The Comprehensive Plan provides the foundation for this local law by recognizing shortcomings associated with the current R-15C zoning regulations and recommending improvements to the R-15C zoning district regulations. The intent of the local law is to encourage development on large building lots (40,000 square feet or larger) in the R-15C District in order to allow site design flexibility and to require adequate on-site parking, vehicle access and circulation, availability on site for deliveries and drop-offs, playground/recreation space, a dedicated refuse disposal area, and area for the storage of plowed snow, and landscaping.

The Comprehensive Plan states that "numerous concerns have been raised regarding the appearance of developments constructed in accordance with the requirements of the R-15C District". In particular, the Comprehensive Plans states that "most of these concerns result from the fact that the R-15C District allows relatively high-density residential development through the subdivision process so that development is comprised of numerous separately-owned lots with no

common design or architectural theme from lot to lot, and no central responsibility regarding property maintenance, refuse disposal, provision of open space and recreation facilities and other services commonly associated with higher density residential development.”

The Town Board recognizes that the current R-15C regulations effectively encourage developments consisting of three (3) residential units and three (3) accessory apartments on small lots, leaving little space for open space/recreational areas, on-site parking, refuse disposal area or other site features. The Comprehensive Plan states that “standard multi-family districts that allow townhouses or garden apartments can address housing needs within the Town while at the same time containing criteria and design considerations that are not adequately addressed by the R-15C District.” The Comprehensive Plan also states that the R-15C District can be improved through “minimal architectural standards and minimal landscaping requirements.” The Comprehensive Plan further recommends that “[c]onsideration should be given to adjusting the bulk requirements for the different permitted dwelling types” in the R-15C District, including “larger minimum lot sizes for higher density dwelling types.”

This local law implements the recommendations set forth in the Comprehensive Plan by directly addressing the tendency of developments constructed in accordance with the present R-15C regulations to result in “numerous separately-owned lots” with inadequate amenities and common facilities typical of higher density residential development. The local law acts on the Comprehensive Plan's recommendations by encouraging projects on larger lots and requiring minimum playground/recreational space and sufficient area on site for common amenities, deliveries, drop-offs, parking, refuse disposal area, and snow storage area, and authorizing the Planning Board to require vehicle turnaround area(s) on the site. The local law will reduce on-street parking by increasing the parking requirement to 1.3 spaces per dwelling unit compared to 1.0 spaces otherwise required in the R-15C District. All of these requirements will contribute to the improvement of overall site and neighborhood conditions and of traffic and pedestrian safety in the R-15C District. The local law requirements will also reduce curb cuts on public roadways.

In addition, the local law imposes landscaping/fencing requirements and authorizes the Planning Board to impose building façade requirements and landscape buffer requirements as a condition of site plan approval.

The 40,000 square foot minimum lot area, parking spaces requirement and dedicated playground/recreation space requirement set forth in the local law is each an inextricable element of the new multifamily use category established by this local law, and it is the intent of the Town Board that development pursuant to the provisions of this local law is prohibited on lots less than 40,000 square feet and is prohibited unless the site meets the minimum parking spaces and dedicated recreation/playground space requirements set forth in the law, and that development of this use on a lot that does not meet each of those minimum requirements is not in the public interest.

The following further responds to the Department’s August 10, 2020 letter:

Comment 1. The Town Board appreciates the recognition in Comment 1 of the Department’s letter that there is a need for smaller residential units in the Town and that the introductory local law will address the existing shortcomings in the R-15C District, but the Town

Board respectfully disagrees that additional study is required inasmuch as the introductory local law would not result in an increase in density in the R-15C District, since the maximum Floor Area Ratio (FAR) will remain at 0.9, the same as the existing R-15C bulk requirements. Accordingly, the local law will not cause materially different impacts on the sewer system, the stormwater management systems, or the public water supply than presently can exist in the R-15C District.

The Town Board finds that the local law will improve air quality, traffic conditions and noise levels in the R-15C by mandating sufficient room on-site for deliveries, drop-offs, and parking. Revisions to the local law made by the Board upon adoption require 1.3 parking spaces per dwelling unit (instead of 1.0 spaces otherwise required in the R-15C District), the requirement of a dedicated refuse disposal area large enough to accommodate all refuse generated by the development in a location accessible to refuse haul trucks, a reasonable area for the storage of plowed snow, and authorization for the Planning Board to require vehicle turnaround areas as a condition of site plan approval. The local law also requires landscaping along each lot line that fronts on a street and authorizes the Planning Board to require a landscape to buffer and impose façade requirements, all of which will enhance the visual aesthetics of the site and neighborhood. Accordingly, the Board respectfully overrides Comment 1.

Comment 2. The Town Board reiterates that the intent of the local law is to encourage development on large building lots (40,000 square feet or larger) in the R-15C District in order to allow site design flexibility and to require adequate on-site parking, vehicle access and circulation, availability on site for deliveries and drop-offs, playground/recreation space, a dedicated refuse disposal area, and area for the storage of plowed snow, and landscaping. With respect to variances, please note the paragraph just preceding this response to Comment 1. Therefore, Comment 2 is overridden to the extent necessary.

Comment 3. The Board has included language used in the Full EAF Part 1 Narrative in its resolution of adoption of this local law. If not all of that language is included in the resolution of adoption, then this comment is overridden to the extent necessary.

Comment 4. The Board agrees with this comment, and has included language in the Legislative Intent section of the local law that the minimum 40,000 square foot lot may be assembled by combining contiguous parcels.

Comment 5. The Board finds that the local law is only a text change, and does not change the boundary of the R-15C District, and there is no requirement or need to refer to the future. Therefore, Comment 5 is overridden to the extent necessary.

Comment 6. The Board notes that the referenced conceptual rendering was solely for illustrative purposes, and that the actual development of any site pursuant to the local law will be dependent on compliance with all applicable bulk criteria and other applicable laws and regulations, and, accordingly, Comment 6 is overridden to the extent necessary.

Comments 7 and 8, the Board determined that the local law applies throughout the R-15C District and, therefore, a floating zone procedure is not necessary, but rather that development

pursuant to this local law is subject to prior site plan review and approval by the Town Planning Board and, accordingly, Comments 7 and 8 are overridden to the extent necessary.

Comment 9. The Board notes that the local law does not affect the applicability of §376-42 of the zoning code and, accordingly, Comment 9 is overridden to the extent necessary.

Comment 10. The Board finds that a maximum floor area would interfere with the design flexibility intended in the local law, and that the local law appropriately encourages smaller units, as opposed to the current R15-C provisions, which tend to discourage smaller units, and, accordingly, Comment 10 is overridden to the extent necessary.

Comment 11. The Board notes that using FAR as a means of calculating density is appropriate and currently applied in the R-15C District, and accordingly, Comment 11 is overridden to the extent necessary.

Comment 12. The Board notes again that the local law will improve traffic conditions, including pedestrian safety, by increasing the required number of parking spaces per dwelling unit compared to the number of spaces otherwise required in the R-15C District, mandating sufficient room on-site for deliveries, drop-offs, and parking, and authorizing the Planning Board to require vehicle turnarounds on the site. The Board also notes again the local law language concerning variances. Accordingly, Comment 12 is overridden to the extent necessary.

Comment 13. The Board notes that the local law does not prohibit multiple principal buildings and, therefore, multiple buildings are permitted provided they meet the applicable bulk requirements and requirements of the New York State Fire Prevention and Building Codes. The Board reiterates that imposing maximum unit or bedroom counts would interfere with the design flexibility intended by the local law, and, therefore, Comment 13 is overridden to the extent necessary.

Comment 14. The Board notes that the parking issue raised in this comment is due to the small lot configurations encouraged under the current R-15C provisions, which have improperly sized parking areas and limited entrance/exit drives. The local law addresses this issue by increasing the minimum number of required parking spaces otherwise required in the R-15C District, mandating sufficient area on-site for deliveries and drop-offs, and authorizing the Planning Board to require vehicle turnaround(s) as a condition of site plan approval. Therefore, Comment 14 is overridden to the extent necessary.

Comment 15. The site flexibility encouraged by this local law, including larger adequate parking areas and required area for drop-offs and deliveries will preclude the need for vehicles to back out into a roadway. In addition, as a safeguard, the Board supplemented the local law upon adoption to authorize the Planning Board to require vehicle turnaround area(s) as a condition of site plan approval. Therefore, this comment is overridden to the extent necessary.

Comment 16. The Board revised the law upon adoption to require each site to contain a reasonable area for the storage of plowed snow, consistent with this comment.

Comment 17. The Board notes that, as with all development projects, development pursuant to this local law is required to comply with the New York State Fire Prevention and Building Codes and other applicable requirements noted in this comment, and, accordingly, Comment 17 is overridden to the extent necessary.

Comment 18. The Board again notes that local law will not result in an increase in density in the R-15C District, because the maximum FAR would remain at 0.9, the same as the existing R-15C bulk requirements, and further notes that all development projects designed and constructed pursuant to the local law are required to comply with applicable water conservation provisions, and, accordingly, Comment 18 is overridden to the extent necessary.

Comment 19. The Board is sensitive to climate issues, but does not believe that the local law requires special climate-related provisions, including because the local law will not result in an increase in density, and, accordingly, Comment 19 is overridden to the extent necessary.

Comment 20. The Board notes that one intent of the local law is to improve on-site traffic circulation and pedestrian safety by mandating sufficient area on site for deliveries, drop-offs, and parking, increasing the on-site parking requirement, and authorizing the Planning Board to require vehicle turnaround area(s), all of which are subject to site plan review by the Town Planning Board. Accordingly, Comment 20 is overridden to the extent necessary.

Comment 21. The Board agrees with this comment and supplemented the introductory local law upon adoption to require each site developed pursuant to this local law to contain a dedicated refuse disposal area large enough to accommodate all refuse generated by the development in a location accessible to refuse haul trucks.

Comment 22. The Board notes that the provision of a community room would be an amenity which certain developers may wish to undertake, but believes that requiring a community room in each development would interfere with the design flexibility that the local law is intended to promote, and, accordingly, Comment 22 is overridden to the extent necessary.

Comment 23. The Board notes that the findings make concerning recreational amenities and fees, and the uses of recreation fees, are set forth in existing law, and, accordingly, Comment 23 is overridden to the extent necessary.

Comment 24. The Board finds that the Planning Board, with the assistance of consultants, is fully capable to assess and impose, if necessary, façade requirements that are appropriate for a particular development project, and, accordingly, Comment 24 is overridden to the extent necessary.

Comment 25. The Board notes that listing of the County Highway Department will be omitted from any future correspondence to the County Planning Department regarding this local law.

Comment 26. The Board notes that while a proposed site plan prepared pursuant to the local law that proposes a regulated activity within an area regulated by the Rockland County Drainage Agency (RCDA) will be referred to RCDA for review and any necessary approval,

proposed zoning amendments are not subject to review by RCDA, and, accordingly, Comment 26 is overridden to the extent necessary.

Comment 27. The Board notes that notices of the public hearing on the introductory local law were timely provided to adjoining municipalities, although GML §239-nn does not require such notice regarding proposed zoning text amendments, and accordingly, Comment 27 is overridden to the extent necessary.

Comments 28, 29, 30, and 31. The Board notes that these comments set forth generally applicable legal requirements, which will be complied with as applicable.

Thank you again for your comments.

Very truly yours,

Michael B. Specht
Town Supervisor

cc: Town Attorney
Town Clerk