

January 17, 2020 RCPD GML 239 letter: Zoning Amendment Response and Report			
	GML review of the Comprehensive Plan (CP) amendments serves as basis for disapproval of zoning amendment and is considered part of the RCPD review	The Town Board has considered the RCPD comments on the CP Amendments and determined that it will override the County's disapproval. To the extent that the County asserts its disapproval of the CP supports its disapproval of the Zoning Map Amendment, the TB overrides the County's disapproval.	
1	Department has consistently argued MR-12 is inappropriate for this property. A less dense zoning designation must be considered. Town must evaluate whether MU-8 zoning designation is appropriate or whether a new zoning category should be created. Density of 6 units per acre must be considered.	As discussed in its SEQRA Findings Statement, the Town Board has considered less dense zoning alternatives for the Pascack Ridge property, including MR – 8 and various single family zoning districts. All alternatives, including the No Build option, are anticipated to result in development of the property, with the attendant disturbance of land and the creation of impervious surfaces. While there would be less impact, lower density zoning would not make efficient use of the site to meet the housing and land objectives set forth in the Comprehensive Plan, particularly since many of the locations identified for multifamily housing in the Plan has already been utilized. The RCPD's statement that all the "surrounding area is labeled as R-15," is misleading and inapt on several bases, including that the existing land use pattern, which already has single-family development existing in harmony with proximate multifamily development, establishing that multifamily housing would be compatible with single-family housing.	CP14
2	Disagree that proposed zoning is reasonable and appropriate. TB has not considered very valid arguments against this rezoning. Town must consider on-site environmental constraints as well as infrastructure capacity and community character of surrounding community and apply a transitional zoning of no more than six to eight acres or keep the existing zoning allowing only single family residences.	The Town Board has considered the arguments made by the County every time that they have been presented. The Town acknowledges that the County has different land use and housing objectives. While the Town respects the County's right to offer land use argument that support its policies, the Town's paramount obligation is to the residents of the Town and the wider region and planning for the efficient use of land to meet the housing needs of the Town's and the wider areas population. In conducting this analysis, the Town Board has balanced	CP14

		<p>the local desire of some to maintain the status quo within the community and the greater public interest that regional housing needs be met. To that end, the Town has considered appropriate zoning for the Pascack properties proposed to be rezoned against the potential environmental impacts that could result as well as the siting criteria set forth in the Comprehensive Plan. As discussed in the Town Board’s Findings Statement, the Town Board recognizes that portions of the Pascack Ridge Site are encumbered by environmental constraints, but the SEQRA record shows that the Site can be developed without significant adverse disturbance to these areas, such that these constraints do not suggest that the Site is not suitable for multifamily development. Moreover, the existing infrastructure has adequate capacity to support the density of development student in the EIS. Finally, as set forth in greater detail in the Findings Statement the Town Board finds that potential impacts on community character can be effectively addressed, including through landscaping and architectural treatment, and, again, the existing land use pattern, which already has single-family development existing in harmony with proximate multifamily development, establishing that multifamily housing would be compatible with single-family housing. In addition, the Town Board will, on the recommendation of the Town’s planning consultant, exclude existing parcels on the east side of Pascack Brook from the rezoning action and restrict residential buildings at the northeast corner, which will provide a transition to the residential area on the east side of North Pascack Road.</p>	
3	<p>Disagree on police power justification. A less dense zoning of six to eight units shall be considered.</p>	<p>. The Town Board respectfully submits that protecting the public health, safety, and welfare includes addressing unmet housing needs both within the Town and the wider region. A less dense zoning designation has been considered, but, again, lower</p>	CP9

		density zoning would not make efficient use of the site to meet the housing and land objectives set forth in the Comprehensive Plan. As explained above, the Town Board has determined that it will exclude certain properties generally to the east of the Pascack Brook from the rezoning action and prohibit residential buildings at the northeast corner of the property.	
4	Site contains Pascack Brook, a County stream. Review of the proposed zoning changes must be completed by RC Drainage Agency and any concerns addressed.	In fact, The Rockland County Drainage Agency (RCDA) has asserted that while site plan approval would require a permit from it, the proposed zoning amendments do not. In any event, no land disturbance or development is proposed or anticipated within the regulated area of Pascack Brook. Any future land use application that does propose a regulated activity within an area regulated by the RCDA will be referred to RCDA for review and any necessary approval, at which time any concerns will be addressed.	
5	Site contains federal wetlands. Review of the proposed zoning changes must be completed by USACE and any concerns addressed.	It is unclear what basis the County has to believe that the United States Army Corps of Engineers (ACOE) opines on zoning code amendments. In any event, the Concept Plan studied in the Pascack Ridge EIS does not propose or anticipate any regulated activities in any regulated wetland area. In the event any future land use application does propose a regulated activity within an area regulated by ACOE, the application will be referred to USACE for review and approval of any necessary USACE permit, at which time any concerns will be addressed.	CP16
6	Sanitary sewer analysis must be submitted to RC Health Dept for review and approval.	As discussed in the Findings Statement, a sewer capacity analysis was prepared that showed that no impacts are projected in connection with the sewer service for the area subject to the rezoning. As requested by RCHD, at such time as any land use application requiring sanitary sewer service is made for the Pascack Ridge property, the sanitary sewer analysis will be provided to RCHD for review and any necessary approval.	CP15

7	<p>Applicant must comply with RC Sewer District letter and must provide sewer capacity analysis to RCSD</p>	<p>As discussed in the Findings Statement, to address the RCSD’s comment that a sewer capacity analysis would be required in order to connect to the trunk line, Tam Enterprises monitored the flow in the 24” pipe every 30 seconds from November 18, 2019 to November 25, 2019 flow meter. These data showed no impacts are projected in connection with the sewer service for the area subject to the rezoning. As noted by RCSD, any application for sewer service must address the requirements of the Sewer District outlined in the referenced letter. At such time as any land use application requiring sanitary sewer service is made for the Pascack Ridge property, the sanitary sewer analysis will be provided to RCSD for review and any necessary approval.</p>	<p>CP18 CP19</p>
8	<p>The Town of Clarkstown is opposed to the zoning and the connection to Spring Town Road. The Supervisor and Board members have attended public hearings to present their views. These concerns must be addressed.</p> <p>The Village of Spring Valley must be given opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service.</p>	<p>Comment noted.</p> <p>Both the Town of Clarkstown and the Village of Spring Valley were given the opportunity to speak at multiple public hearings that were held on the Pascack Ridge CP and zoning amendments, as well as provided opportunity to provide comments on the SEQRA documents throughout the environmental review of those amendments.</p> <p>The Town Board has considered the concerns of Clarkstown regarding traffic impact on the residential area bordering Spring Brook Road and the community character of that area, as set forth in the SEQRA findings statement, which notes that the levels of service on Clarkstown roads will remain acceptable, that the visual impact of multifamily development can be addressed by architectural designed and robust landscaping along the boundary, and that there will not be adverse impacts on water, sewer , drainage or stormwater.</p> <p>The Town Board has provided the Village of Spring Valley with opportunity to review the proposal and express any concerns about impact. Spring Valley has not expressed any concern about the issues</p>	<p>CP17</p>

		identified by the County. In any event, the Town Board notes it is unlikely that Spring Valley would have concerns about drainage and stormwater, since the Village boundary is uphill from the Pascack property.	
9	Review of the CP Amendments must be completed by the RC Office of Fire and Emergency Services or the Spring Valley Fire District to ensure that emergency access and sufficient water pressure for fire fighting purposes has been addressed.	Commented noted. The Fire Districts that serve the Pascack Ridge properties have participated in the environmental review process as involved agencies. At such time as any land use application requiring fire protection service is made for the Pascack Ridge property, the applicant will be required confirm that emergency access for emergency service vehicles is acceptable to the first responders and that adequate fire flows and pressures will be available to the property.	CP20
10	If any conditions of this GML review are overridden, the land use board must file a report with the Commissioner of Planning on the action taken. If the action is contrary to the recommendation of the Commissioner, the board must state the reasons for such action	Comment noted. The Town Board will file this report of the action taken with the Commissioner, which states the reasons for the Town Board action to override the Commissioner's disapproval. To the extent that any of the enumerated paragraphs of the Department's letter are considered conditions that must be met prior to approval of the Town's Zoning Map Amendment, the Town Board additionally overrides such conditions as inappropriate and unnecessary conditions to a Zoning Map Amendment, and that it is appropriate to require any applicant seeking a land use approval in any zoning district of the Town to comply with all applicable requirements of a County regulatory agency with jurisdiction over any aspect of that action.	CP20
11	The report noted in comment 10 is required in connection with County approvals.	Comment noted. At such time as any land use application requiring any County agency approval is made for the Pascack Ridge property, the applicant will be required comply with the County's application requirements.	
12			



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

50 Sanatorium Road, Building T

Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

January 17, 2020

Ramapo Town Board

237 Route 59

Suffern, NY 10901

Tax Data: 50.19-1-58	50.19-1-72	50.19-1-46
50.19-1-47	50.19-1-48	50.19-1-49
50.19-1-50	50.19-1-51	50.19-1-44
50.19-1-52	50.19-1-62	50.19-1-45
50.19-1-61	50.19-1-71	50.19-1-59
50.19-1-57	50.19-1-56	50.19-1-55
50.19-1-53	50.19-1-68	50.19-1-69
50.19-1-70	50.19-1-67	50.19-1-66
50.19-1-65	50.19-1-64	50.19-1-63
50.19-1-60	57.07-1-10	57.07-1-3
57.07-1-4	57.07-1-2	57.07-1-5
57.07-1-7	57.07-1-8	57.07-1-9
57.07-1-19	57.07-1-8.1	

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

Map Date: 7/1/2019

Date Review Received: 12/26/2019

Item: *PASCACK RIDGE ZONING LAW AMENDMENT (R-2040J)*

Proposed Local Law amending the Zoning Map of the Town of Ramapo to rezone certain parcels of land totaling 27.6 acres from the R-15 zoning classification to the MR-12 zoning classification.

Southwest corner of Ewing Avenue and North Pascack Road

Reason for Referral:

Pascack Brook, Town of Clarkstown, Village of Spring Valley, Federal Wetlands

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***

PASCACK RIDGE ZONING LAW AMENDMENT (R-2040J)

The proposed Local Law to amend the Town of Ramapo's Zoning Map to permit the zoning designation of the Pascack Ridge property to be changed from R-15 to MR-12 is subject to a General Municipal Law (GML) review by this department because the Pascack Brook, a county stream, flows through the subject site, and the Town of Clarkstown and the Village of Spring Valley are immediately adjacent municipalities. Federal wetlands and floodplains are also present on the property. This proposal was first referred for a GML review in October of 2014. At that time, we recommended disapproval of the amendments to the Comprehensive Plan and Zoning Map.

A second version of the Comprehensive Plan amendments was included as an appendix to a Draft Environmental Impact Statement (DEIS) for the proposed action submitted to this department in July of 2018. The amendment asserted that "implementing a multi-family residential development designation for the Pascack Ridge area will advance the goals and objectives of the 2004 Town of Ramapo Comprehensive Plan." We disagreed and recommended disapproval of the Comprehensive Plan amendments for a second time on August 14, 2018, primarily because the property did not meet most of the established siting criteria for multi-family housing. Addressing the Town's housing needs and providing for a diversity of housing opportunities for the Town's growing and changing population was a stated goal in the Housing Chapter of the 2004 Plan. The creation of multi-family housing districts was a planning recommendation and implementation strategy. In furtherance of that recommendation, design and site layout considerations were outlined, and very specific criteria were established for placement within a multi-family district. Despite the assertion in the Comprehensive Plan amendments that the Pascack Ridge area was substantially consistent with these criteria, it is not. Eight criteria were identified in the Town's 2004 Comprehensive Plan to determine placement of a multi-family district. The proposed site meets only two of the eight criteria for such a placement.

Additionally, this department has issued comments on the DEIS, the FEIS and the Technical Addendum to the FEIS on August 27, 2018, May 20, 2019 and August 28, 2019, respectively. In August of 2019, the Town submitted a GML referral to this department for proposed text and map amendments to the 2004 Comprehensive Plan, and the Zoning Law amendment. We recommended disapproval of the proposed Comprehensive Plan and Zoning Law amendments in GML reviews dated August 30, 2019. We have consistently stated that an MR-12 zoning designation is not an appropriate transitional zone for the Pascack Ridge site.

The current submission includes revised Comprehensive Plan amendments and the Zoning Law amendment. Updated Census data have been provided, as well as economic and housing information referenced in a NYS Comptroller's Housing Affordability Study. The original siting criteria for multi-family zoning districts have been restored. The December 6, 2019 submission includes additional traffic analysis and a requested sewer flow analysis. A submission received on December 26, 2019 contains the appropriate GML referral form. It also includes a December 23, 2019 memorandum from the Town's Planning Consultant regarding traffic, and a December 18, 2019 traffic signal warrant analysis prepared by Harry Baker & Associates. This additional information technically should constitute a new submission restarting the 30-day review period.

Our January 17, 2020 GML review of the current version of the Comprehensive Plan amendments accompanies this review. It offers a detailed evaluation of the amendments, and our reasons for recommending disapproval of the action. Our position has not waived over the past five years. An MR-12 zoning designation is not an appropriate transitional zone for the Pascack Ridge site. The GML review of the Comprehensive Plan amendments (R-2040H) serves as the basis for disapproving the proposed amendment of the Zoning Map, and shall be considered part of our review of the current action.

The current submission includes the Local Law, a list of the parcels to be rezoned and a proposed Zoning Map. The following comments address our reasons for recommending disapproval of proposed amendments to the Zoning Map.

PASCACK RIDGE ZONING LAW AMENDMENT (R-2040J)

- 1 The Legislative Intent section of the Local Law states that this action is based, in part, upon the petitioning of the owners of certain property. We submit that a developer-driven zone change petition is not in the best interests of the surrounding community. This department has consistently argued that the MR-12 zoning designation is inappropriate for this environmentally constrained site surrounded on three sides by single-family neighborhoods. This is perhaps most strikingly conveyed in Exhibit A, the proposed zoning map. The Pascack Ridge assemblage is centered on the map, and ALL of the surrounding area is labeled as R-15. If the Town is in favor of allowing multi-family housing beyond the Monsey area, a less dense zoning designation must be considered. Currently, the only lower density multi-family zone is the MR-8. The Town must evaluate whether this zoning designation is suitable. Alternatively, a new multi-family zoning designation can be created as part of the Envision Ramapo efforts. A transitional density of six units per acre is more appropriate for the property, and must be considered.
- 2 The second part of the Legislative Intent notes that the Town Board considered the proposed rezoning action, including the petitions, proposed amendments to the 2004 Comprehensive Plan, a conceptual development plan and environmental review documents, and finds the proposed rezoning reasonable and appropriate to meet the current needs of the Town. We respectfully disagree. This department, the adjacent Town of Clarkstown, County agencies and concerned citizens have submitted written comments questioning the accuracy of data contained in the DEIS, FEIS and Technical Addendum to the FEIS, and noting that this property fails to comply with the siting criteria for multi-family housing contained in the 2004 Comprehensive Plan. The Town Board clearly has not considered the very valid arguments against this rezoning. If it had undertaken a thorough evaluation of the responses to the DEIS and FEIS, a less dense zoning designation would be under consideration. The Town Board must consider the on-site environmental constraints, as well as the infrastructure capacity and community character of the surrounding community, and apply a transitional zoning designation that allows no more than six to eight units per acre, or leave the existing zoning intact and only permit single family residences.
- 3 The third part of the Legislative Intent references police powers. It states that "this Local Law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents." Given the compelling evidence to the contrary, we must disagree. If the Town wishes to protect the public health, safety and welfare of its residents, the MR-12 zoning designation shall not be permitted. A less dense zoning designation of no more than six to eight units per acre shall be considered.
- 4 Since the site contains the Pascack Brook, a County stream, a review of the proposed changes to the Zoning Map must be completed by the Rockland County Drainage Agency and any concerns addressed.
- 5 Due to the presence of federal wetlands on the site, a review of the proposed changes to the Zoning Map shall be completed by United States Army Corps of Engineers and any concerns addressed.
- 6 A sanitary sewer capacity analysis must be submitted to the Rockland County Health Department, as requested in their letter of August 27, 2019. They are not in receipt of the December 4, 2019 letter and sewer capacity analysis prepared by Atzl, Nasher & Zigler, P.C., and included with the current GML referral. This information must be provided to the Health Department for their review and approval.
- 7 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of August 26, 2019. The aforementioned sanitary sewer capacity analysis has also been requested by the Sewer District. They are not in receipt of the December 4, 2019 letter and sewer capacity analysis prepared by Atzl, Nasher & Zigler, P.C., and included with the current GML referral. This information must be provided to the Sewer District for their review and approval.

PASCACK RIDGE ZONING LAW AMENDMENT (R-2040J)

8 The Town of Clarkstown and the Village of Spring Valley are two of the reasons this proposal was referred to this department for review. The Clarkstown municipal boundary is along the southern lot lines of the assemblage; the Spring Valley municipal boundary is along the western lot lines of the Pascack Ridge 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 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 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 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.

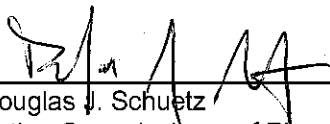
The Town of Clarkstown is opposed to the downzoning of the 27.6-acre assemblage, as well as the connection to Spring Brook Road. They have repeatedly expressed their concerns about the proposal in writing to the Town of Ramapo. The Town Supervisor and Town Board members have attended public hearings to present their views to the Ramapo Town Board. These concerns must not be ignored but rather adequately addressed.

The Village of Spring Valley must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

9 The proposed downzoning of the 27.6 acres comprising Pascack Ridge will affect the provision of services and infrastructure capacity in the surrounding community. Therefore, a review of the suggested changes to the Zoning Map shall be completed by the Rockland County Office of Fire and Emergency Services or the Spring Valley Fire District to ensure that emergency access and sufficient water pressure for fire-fighting purposes are adequately addressed.

10 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.

11 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 J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Drainage Agency
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
United States Environmental Protection Agency
Federal Emergency Management Agency

PASCACK RIDGE ZONING LAW AMENDMENT (R-2040J)

New York State Department of Environmental Conservation
New York State Department of State
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District
Orange and Rockland Utilities
SUEZ

Town of Clarkstown, Village of Spring Valley
Frederick P. Clark Associates
Michael Klatsky
Sharon Osheroivtz, Town Clerk

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 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.



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

50 Sanatorium Road, Building T

Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz

Acting Commissioner

Arlene R. Miller

Deputy Commissioner

August 30, 2019

Ramapo Town Board

237 Route 59

Suffern, NY 10901

Tax Data: 50.19-1-46	50.19-1-44	50.19-1-56
50.19-1-57	50.19-1-58	50.19-1-59
50.19-1-60	50.19-1-61	50.19-1-53
50.19-1-71	50.19-1-68	50.19-1-47
50.19-1-48	50.19-1-49	50.19-1-50
50.19-1-51	50.19-1-52	50.19-1-45
50.19-1-72	50.19-1-62	50.19-1-69
50.19-1-70	50.19-1-67	50.19-1-66
50.19-1-65	50.19-1-64	50.19-1-63
50.19-1-55	57.07-1-10	57.07-1-9
57.07-1-8.1	57.07-1-8	57.07-1-7
57.07-1-5	57.07-1-2	57.07-1-3
57.07-1-19	57.07-1-4	

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

Map Date: 7/1/2019

Date Review Received: 8/5/2019

Item: *PASCACK RIDGE ZONING LAW AMENDMENT (R-2040G)*

Proposed Local Law amending the Zoning Map of the Town of Ramapo to rezone certain parcels of land totaling 27.6 acres from the R-15 zoning classification to the MR-12 zoning classification.

Southwest corner of Ewing Avenue and North Pascack Road

Reason for Referral:

Pascack Brook, Town of Clarkstown, Village of Spring Valley, Federal Wetlands

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***

PASCACK RIDGE ZONING LAW AMENDMENT (R-2040G)

The proposed Local Law to amend the Town of Ramapo's Zoning Map to permit the zoning designation of the Pascack Ridge property to be changed from R-15 to MR-12 is subject to a General Municipal Law (GML) review by this department because the Pascack Brook, a county stream, flows through the subject site, and the Town of Clarkstown and the Village of Spring Valley are immediately adjacent municipalities. Federal wetlands and floodplains are also present on the property. This proposal was first referred for a GML review in October of 2014. At that time, we recommended disapproval of the amendments to the Comprehensive Plan and Zoning Map.

A second version of the Comprehensive Plan Amendment was included as an appendix to a Draft Environmental Impact Statement (DEIS) for the proposed action submitted to this department in July of 2018. The Amendment asserted that "implementing a multi-family residential development designation for the Pascack Ridge area will advance the goals and objectives of the 2004 Town of Ramapo Comprehensive Plan." We disagreed and recommended disapproval of the Comprehensive Plan Amendment for a second time on August 14, 2018, primarily because the property did not meet most of the established siting criteria for multi-family housing. Addressing the Town's housing needs and providing for a diversity of housing opportunities for the Town's growing and changing population was a stated goal in the Housing Chapter of the 2004 Plan. The creation of multi-family housing districts was a planning recommendation and implementation strategy. In furtherance of that recommendation, design and site layout considerations were outlined, and very specific criteria were established for placement within a multi-family district. Despite the assertion in the earlier Comprehensive Plan Amendments that the Pascack Ridge area was substantially consistent with these criteria, it was not. Eight criteria were identified in the Town's 2004 Comprehensive Plan to determine placement of a multi-family district. The proposed site met only two of the eight criteria for such a placement.

Additionally, this department has issued comments on the DEIS, the FEIS and the Technical Addendum to the FEIS on August 27, 2018, May 20, 2019 and August 28, 2019, respectively. Our August 30, 2019 GML review of the current version of the Comprehensive Plan Amendments accompanies this review. It offers a detailed evaluation of the amendments, and our reasons for recommending disapproval of the action. Our position has not waived over the past five years. An MR-12 zoning designation is not an appropriate transitional zone for the Pascack Ridge site. The GML review of the Comprehensive Plan Amendments (R-2040F) serves as the basis for disapproving the proposed amendment of the Zoning Map, and shall be considered part of our review of the current action.

The current submission includes the Local Law, a list of the parcels to be rezoned and a proposed Zoning Map. The following comments address our reasons for recommending disapproval of proposed amendments to the Zoning Map.

1 The Legislative Intent section of the Local Law states that this action is based, in part, upon the petitioning of the owners of certain property. We submit that a developer-driven zone change petition is not in the best interests of the surrounding community. This department has consistently argued that the MR-12 zoning designation is inappropriate for this environmentally constrained site surrounded on three sides by single-family neighborhoods. This is perhaps most strikingly conveyed in Exhibit A, the proposed zoning map. The Pascack Ridge assemblage is centered on the map, and ALL of the surrounding area is labeled as R-15. If the Town is in favor of allowing multi-family housing beyond the Monsey area, a less dense zoning designation must be considered. Currently, the only lower density multi-family zone is the MR-8. The Town must evaluate whether this zoning designation is suitable. Alternatively, a new multi-family zoning designation can be created as part of the Envision Ramapo efforts. A transitional density of six units per acre is more appropriate for the property, and must be considered.

PASCACK RIDGE ZONING LAW AMENDMENT (R-2040G)

2 The second part of the Legislative Intent notes that the Town Board considered the proposed rezoning action, including the petitions, proposed amendments to the 2004 Comprehensive Plan, a conceptual development plan and environmental review documents, and finds the proposed rezoning reasonable and appropriate to meet the current needs of the Town. We respectfully disagree. This department, the adjacent Town of Clarkstown, County agencies and concerned citizens have submitted written comments questioning the accuracy of data contained in the DEIS, FEIS and Technical Addendum to the FEIS, and noting that this property fails to comply with the siting criteria for multi-family housing contained in the 2004 Comprehensive Plan. The Town's response is to dilute this criteria so that the assemblage is more compliant. The Town Board clearly has not considered the very valid arguments against this rezoning. If it had undertaken a thorough evaluation of the responses to the DEIS and FEIS, a less dense zoning designation would be under consideration. The Town Board must consider the on-site environmental constraints, as well as the infrastructure capacity and community character of the surrounding community, and apply a transitional zoning designation that allows no more than six to eight units per acre, or leave the existing zoning intact and only permit single family residences.

3 The third part of the Legislative Intent references police powers. It states that "this Local Law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents." Given the compelling evidence to the contrary, we must disagree. If the Town wishes to protect the public health, safety and welfare of its residents, the MR-12 zoning designation shall not be permitted. A less dense zoning designation of no more than six to eight units per acre shall be considered.

4 The Town of Clarkstown and the Village of Spring Valley are two of the reasons this proposal was referred to this department for review. The Clarkstown municipal boundary is along the southern lots lines of the assemblage; the Spring Valley municipal boundary is along the western lot lines of the Pascack Ridge 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 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 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 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 Town of Clarkstown is opposed to the downzoning of the 27.6-acre assemblage, as well as the connection to Spring Brook Road. They have repeatedly expressed their concerns about the proposal in writing to the Town of Ramapo. The Town Supervisor and Town Board members have attended public hearings to present their views to the Ramapo Town Board. These concerns must be adequately addressed.

The Village of Spring Valley must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

5 Since the site contains the Pascack Brook, a County stream, a review of the proposed changes to the Zoning Map must be completed by the Rockland County Drainage Agency and any concerns addressed.

6 Due to the presence of federal wetlands on the site, a review of the proposed changes to the Zoning Map shall be completed by United States Army Corps of Engineers and any concerns addressed.

7 A sanitary sewer capacity analysis must be submitted to the Rockland County Health Department, as requested in their letter of August 27, 2019.

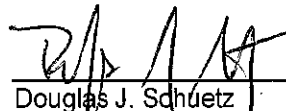
PASCACK RIDGE ZONING LAW AMENDMENT (R-2040G)

8 A review of the proposed changes to the Zoning Map must be completed by the Rockland County Sewer District #1 and any concerns addressed. The aforementioned sanitary sewer capacity analysis has also been requested by the Sewer District, and must be submitted for their review.

9 The proposed downzoning of the 27.6 acres comprising Pascack Ridge will affect the provision of services and infrastructure capacity in the surrounding community. Therefore, a review of the suggested changes to the Zoning Map shall be completed by the Rockland County Office of Fire and Emergency Services or the Spring Valley Fire District to ensure that emergency access and sufficient water pressure for fire-fighting purposes are adequately addressed.

10 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.

11 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 J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Drainage Agency
United States Army Corps of Engineers
Rockland County Department of Health
Rockland County Sewer District #1
United States Environmental Protection Agency
Federal Emergency Management Agency
New York State Department of Environmental Conservation
New York State Department of State
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District
Orange and Rockland Utilities
SUEZ

Town of Clarkstown, Village of Spring Valley
Frederick P. Clark Associates

Dennis Lynch, Assistant Town Attorney

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 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.*

PASCACK RIDGE ZONING LAW AMENDMENT (R-2040G)

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.

