



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Helen Kenny Burrows
Deputy Commissioner

July 27, 2022

Ramapo Town Board
237 Route 59
Suffern, NY 10901

Tax Data: 38.10-1-10 through 60	38.13-1-2 through 55	38.14-1-1 through 76
38.14-2-1 through 44	38.14-3-1 through 46	38.17-1-3 through 11
38.18-1-1 through 14		

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

Date Review Received: 06/30/2022

Item: ***WATCHTOWER A/V PRODUCTION CENTER - ZONE CHANGE/AMENDMENT (R-2076E)***

An amendment to the 2004 Town of Ramapo Comprehensive Plan, a text amendment to establish the MU-3 Mixed Use zoning district and define and provide requirements for an Integrated Residential and Nonresidential Campus, and a map amendment to rezone a 242-acre assemblage of parcels from the RSH zoning district to the MU-3 zoning district.

The southern side of Sterling Mine Road, approximately 150 feet east of Eagle Valley Road, and adjacent to the Town of Tuxedo border. The project site also has an additional 7 acres within the Town of Tuxedo in Orange County, NY.

Reason for Referral:

Nakoma Brook, Sterling Mine Road (CR 72), Eagle Valley Road (CR 68), Town of Tuxedo

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***

On January 24, 2022, the Rockland County Planning Department issued a review of a previous version of this application. The current application is primarily distinguished from the previous version by the inclusion of specific procedures and evaluation criteria of environmental impacts to allow an increase in allowed height over the established maximum limit. In addition, the County acknowledges that the current version has incorporated several of the recommendations from its January 24, 2022 review and offers the following comments.

1 Although submitted to the Town of Ramapo in January 2022, the Final Environmental Impact Statement (FEIS) has not yet been reviewed or accepted by the Lead Agency as complete. As required by the State Environmental Quality Review Act (SEQRA), the proposed Comprehensive Plan amendment, zoning map amendment, and text amendment cannot be approved until the FEIS has been accepted and the public and interested and involved agencies have had an opportunity to comment on it. All SEQRA requirements must be met prior to the approval of the application.

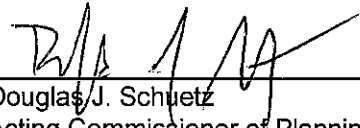
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- 2 The tax parcels for the proposed rezoning listed on the GML referral form do not include parcel 38.14-1-76, which comprises the planned roadways of the Lorterdan subdivision. The referral form must be corrected.
- 3 The proposed amendment to the Table of Bulk Requirements indicates that the minimum lot area for a Mixed-Use development in the MU-3 zoning district shall be 200 acres. Currently, the subject property is the only known site that meets this minimum lot area. However, it is possible that an assemblage of parcels could be formed at a future time that meets this minimum lot area. The Town Board must consider whether or not the MU-3 zoning designation is appropriate for other large-scale properties in the Town of Ramapo, particularly with regard to the allowed increase in building height and commercial uses that accompany an Integrated Residential and Nonresidential Campus.
- 4 One of the concerns raised by this department in its June 21, 2021 comments on the Draft Environmental Impact Statement (DEIS) for the Watchtower project was the use of gross lot area in calculating development coverage and FAR. It is the County's position that using net lot area as the basis for these bulk requirements is more appropriate and more accurately reflects the need to protect the environmentally sensitive features found on site. The County is pleased to see that the proposed local law will use net lot area for determining development coverage and FAR.

The County is concerned, however, that the use of net lot area has also been accompanied by increases in allowed development coverage, from 25% to 30%, and FAR, from 0.25 to 0.30. A memo, dated December 16, 2021, from Ashley Ley, AICP, of AKRF, demonstrates that an FAR of 0.30 and a development coverage of 30%, when based on net lot area, is more restrictive than an FAR of 0.25 and a development coverage of 25%, when based on gross lot area. However, the Watchtower DEIS included a maximum build-out analysis (p. 2-9) that stated that the proposed development would have an FAR, based on gross lot area, of 0.16, which would result in an FAR of 0.20 when based on net lot area. The proposed maximum FAR of 0.30 is almost 50% greater than the currently envisioned project. The Town must consider whether the proposed increases in FAR and development coverage are warranted, considering that they appear to be unnecessary for the construction of the Watchtower development. Maintaining the originally proposed maximum FAR of 0.25 and development coverage of 25%, even when based on net lot area, would still allow substantial expansions at a future date. The maximum development coverage and FAR must not be increased for the new zoning district bulk regulations.
- 5 A note must be added to the proposed Use Group p on the Table of Bulk Requirements stating that development coverage and FAR are based on the lot area deductions of Section 376-42.A.
- 6 A maximum permitted residential density must be specified in the zoning text amendment.
- 7 Section 11: 376-1219.B(4)(d) allows the Planning Board to waive the prohibition of parking within the required yards. The total site is comprised of 249 total acres, which seems substantial enough for the applicant to prevent parking within the required yards. This must not be permitted to be waived. If it is waived, then a condition of the waiver must be the provision of sufficient evergreen landscaping to shield the headlights and parking area from the roadways or adjacent properties.
- 8 The Zoning Code Amendment must require that a lighting plan be submitted. The lighting plan must be reviewed in context with both the surrounding neighborhood (locally), as well as its impact as seen from a more regional perspective, ensuring that no glare is emitted from the site.
- 9 A review must be completed by the County of Rockland Drainage Agency and any comments or concerns addressed.
- 10 A review must be completed by the County of Rockland Department of Highways and any comments or concerns addressed.
- 11 A review must be completed by the Rockland County Sewer District No. 1 to ensure there is sufficient sewer capacity for the proposed development.

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- 12 A review must be completed by the Rockland County Department of Health to determine if there is an adequate water supply for the proposed development.
- 13 A review must be completed by the Sloatsburg Fire District and the Rockland Office of Fire and Emergency Services and all comments or concerns addressed, particularly regarding the proposed building height provisions.
- 14 Since a portion of the site is located within federal wetlands, a review shall be completed by the United States Army Corps of Engineers and all comments or concerns addressed.
- 15 A review must be completed by the New York State Department of Environmental Conservation and all comments or concerns addressed.
- 16 Since the project site includes land within the Town of Tuxedo, a coordinated review must be conducted between the Towns of Ramapo and Tuxedo to ensure the compatibility of land uses, the protection of community character, and impacts on traffic generation and infrastructure capacity.
- 17 Since one of the two accesses to the site is provided by an Orange County highway, a review must be completed by the Orange County Highway Department, and any comments or concerns addressed.
- 18 A review must be completed by Orange and Rockland Utilities and any comments or concerns addressed.
- 19 A review must be completed by Veolia North America and any comments or concerns addressed.
- 20 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed, particularly with regard to the performance criteria that must be achieved to allow for increased building height.
- 21 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.
- 22 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
Hillburn Fire District
New York State Department of Environmental Conservation
New York State Thruway Authority
Orange and Rockland Utilities
Palisades Interstate Park Commission
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Highway Department
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District No. 1
Sloatsburg Fire District

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United States Army Corps of Engineers
Veolia

Keith Cady, RA
Town of Tuxedo
Suffern Central School District
Emanuel Law, P.C.
AKRF

Mona Montal, Chief of Staff

**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.