
Ira M. Emanuel, P.C.

Four Laurel Road, New City, NY 10956

Tel: 845.634.4141 Fax: 845.634.9312

E-mail: Info@EmanuelLaw.com

www.EmanuelLaw.com

Counsel to
Freeman & Loftus, RLLP

Amy Mele, Esq.
Of counsel

March 6, 2020

Ms. Mary Pagano
Stony Point Planning Board
74 East Main Street
Stony Point, NY 10980

Re: Ba Mar Mobile Home Community

Dear Ms. Pagano:

As you know, we represent the applicant in the above-referenced matter. We have received the GML 239-1 review letter from the Rockland County Planning Department dated October 21, 2019, and have the following responses:

1 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. 127 of the 138 proposed new units require variances for lot width and street frontage. Four units will require variances for the front setback. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.

The proposed development replaces an existing development that consisted of 151 units. The current proposal contemplates 138 units. The reduction of 13 units will, by itself, reduce impacts on infrastructure. Further, the original development contained larger units than the proposed development, and an inferior road internal road network. Last, the proposed development is specifically designed to be more resilient in the event of future flood events.

The Department's concerns were specifically addressed by the applicant and the Board in evaluating the environmental impact of the project under SEQRA. The

Board determined that these concerns and impacts were adequately addressed, and issued a negative declaration.

2 A updated review must be completed by the County of Rockland Department of Health and all required permits obtained from them. In addition, the applicant must comply with all comments made by them in their letter of March 11, 2019.

Agreed.

3 An updated review must be completed by the County of Rockland Division of Environmental Resources and any concerns addressed. In addition, the applicant must comply with all comments made by them in their letter of March 4, 2019.

Agreed.

4 A review must be completed by the County of Rockland Department of Highways and any required permits obtained from them.

Agreed.

5 A review shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.

Agreed.

6 As per the March 19, 2019 letter from the Rockland County Drainage Agency, a copy of the New York State Department of Environmental Conservation Freshwater Wetland permit or a written determination otherwise must be forwarded to them.

Agreed.

7 A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

Agreed.

8 The designated floodplain administrator for the Town of Stony Point shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

Agreed.

9 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Stony Point Fire Inspector, or the Stony Point Fire Department

to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

Agreed. The applicant has worked with the Stony Point Fire Inspector since the inception of this project to ensure access to the site by fire trucks and other emergency vehicles, particularly in a flood event. The entire site plan is based on this premise.

10 A review must be completed by Orange and Rockland Utilities and their comments considered.

Agreed.

11 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.

Agreed.

12 There shall be no net increase in the peak rate of discharge from the site at all design points.

Agreed. This metric has been achieved.

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

Comment noted. There are no public sewer main extensions proposed for this project.

14 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

Comment noted. No response required.

15 Any ingress/egress easements for tax parcel 20.02-22-9 (1-2 Ba Mar Drive) must be indicated on the site plan.

Map Note 22 has been added to the Site Plan (Drawings 1 and 3), "All roads shown on the Site Plan shall serve as an access easement in favor of tax lot 20.02-

22-9 (1-2 Ba Mar Drive). This refers to all roads shown in their present proposed configuration or any potential future configuration.”

16 The provided site plan indicates a total of 140 units are provided. The application review form indicates that the reconfigured manufactured home park will have 141 dwelling units. In addition, the August 2, 2019 letter from Brooker Engineering indicates that the number of units has been reduced to 138. All materials must be consistent. The application review form and letter must be corrected.

The review process is fluid. The number of units has fluctuated between 138 and 141 during the review process, depending upon conditions discovered during the process. This recommendation appears overly pedantic given the need for plans to change over time. However, the applicant will make the paperwork changes at the time of final approval.

17 The bulk table indicates that the proposed development coverage will be 30.8%. However, calculation provided indicates the development coverage will be 33.220%. All materials must be consistent. The correct figure must be determined and the incorrect figure must be corrected.

Agreed. The correct figure for the most recent plans is 33.7%, which is shown on the Bulk Table on Drawing 3 and Bulk Table Note 2.

18 The bulk table gives the required floor area ratio as a decimal and the provided floor area ratio as a percentage. All data must be presented in a consistent manner. Since the Town's bulk requirement for floor area ratio is expressed as a decimal, the proposed floor area ratio must be amended to be expressed as a decimal.

A percentage is a decimal. The change will be incorporated into future revisions of the plan.

19 There must be no units or disturbances within the NYSDEC wetlands or the 100' adjacent area.

The Department is setting itself up as an overseer of NYSDEC with respect to NYSDEC wetlands. It has no right or jurisdiction to do so.

NYSDEC regulations do NOT prohibit units or disturbances within the 100' adjacent area. In fact, they specifically permit disturbances under appropriate circumstances.

The applicant has worked with NYSDEC to achieve an appropriate treatment of the area given the nature of the improvements and NYSDEC's concerns. To the

extent that NYSDEC has endorsed disturbances and units within the 100' adjacent area, the Department has no right to object.

A similar demand was made to the Zoning Board of Appeals. That Board overrode this requirement for the reasons stated above.

This recommendation should be overridden, based on NYSDEC permitting.

20 The proposed snow storage areas at the southeastern corner of Road C and the southeastern corner of the emergency access driveway have trees proposed within them. Five of the ten parking spaces at the northern end of the site are proposed to be used as snow storage. Snow storage areas must be located so that snow will not damage landscaping or prevent the use of required parking spaces.

Snow storage areas located in parking spaces are located in overflow parking spaces that are not required by code. There is no snow storage in required parking spaces. Proposed trees have been relocated to outside of the proposed snow storage area at the southeast side of Road C. The snow storage locations have been coordinated with the most recent Planting Plan.

21 Three areas along Road C on the western side of the site have the symbols for snow storage areas, but are labelled as "proposed mail box." The symbols and labels must match. The labels must be corrected.

Agreed. The correction will be incorporated into future revisions of the plans.

22 Either parking for the recreation / playground area, or sidewalks connecting these amenities to all of the housing units, must be provided.

Four overflow parking spaces on Road C have been designated "Parking for Recreation Area". These spaces are adjacent to the start of the gravel path leading to the recreation area.

23 The Rockland County Drainage Agency and Rockland County Highway Department must be added to the list of required approvals on page 1-2 of the Environmental Assessment Form.

Agreed.

24 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

Comment noted. No response required.

25 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.

Comment noted. No response required.

26 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.

Comment noted. No response required.

The applicant therefore requests that the Board override recommendation 19 for the reasons stated above.

Very truly yours,



Ira M. Emanuel

CC: Client