

NARRATIVE SUMMARY

Route 9W Multifamily Development
749-755 Route 9W, Valley Cottage, NY 10989
Town of Clarkstown, Rockland County, NY
Colliers Engineering & Design Project No. 21000527A
March 2, 2026

The site consists of approximately 1.2 acres in the Multifamily Residential "MF-1" District and is located on the east side of Route 9W. The applicant is seeking Preliminary and Final Site Plan Approval to construct five (5) multi-family residences and an associated 400 SF community hall. Multifamily dwellings are permitted by right in the MF-1 District.

In its current condition, the site contains a single-family dwelling on Lot 29 and vacant, undeveloped land on Lot 28. The applicant proposes to merge Lots 28 and 29 into one contiguous lot. The existing single-family dwelling is to remain, and five (5) new three-story multifamily units are to be constructed. It should be noted that the adjacent Lots 30 and 31 are also owned by the applicant and contain existing single-family dwellings. However, they are excluded from this application since no changes or land disturbance activities are proposed on these lots.

Each proposed multi-family unit will include a private driveway, garage, and two (2) bedrooms. The maximum allowable density in the MF-1 District is 9,000 SF of lot area per two-bedroom unit (4.8 units per acre). The project proposes five (5) new two-bedroom units plus an existing two-bedroom unit to remain, which meets the maximum allowable density requirements (9,068 SF per unit proposed; 4.8 units/acre).

The driveway, which currently provides access to the single-family dwelling, will be reconstructed and widened to provide full movement ingress/egress to the multi-family residences. A turnaround grass paver area (for emergency vehicles) is proposed on the eastern end of the driveway. The proposed improvements include seventeen (17) parking spaces to meet the calculated parking requirement of 15 spaces (1 spaces per ½ unit + 20% for guest parking).

In addition, since a disturbance of more than 10,000 SF is proposed, a Preliminary Stormwater Pollution Prevention Plan (SWPPP) was prepared in accordance with Town of Clarkstown and State requirements.

This project was last before the Planning Board on November 13, 2024, where the Board granted a Negative Declaration under SEQRA and directed the applicant to the Zoning Board.

The existing driveway has an existing non-conforming setback to the neighboring property, and this will be further reduced resulting in a variance. There are also existing non-conformities for minimum lot width, front yard setback, side yard setback, and minimum street frontage which will not be changed as part of this application. Due to the constraints of the lot, variances are required for minimum rear yard setback, minimum side yard setback, and maximum lot coverage. The Zoning Board of Appeals granted these variances at their regular meeting on June 23, 2025.

The applicant and their architect recently appeared before the AHRB for architectural review of the proposed building as well as the landscape and lighting. It became evident that the project still

needed to receive Preliminary and Final Site Plan Approval, so the AHRB granted conditional approval.

Clarkstown Fire Inspector, dated September 20, 2024:

1. Proposed Fire Hydrant shown previous maps deleted from current map submitted. Needs to be added back.

Response: Proposed fire hydrant shown at the end of the proposed driveway and turnaround.

2. Legend indicates separate exhibit for Fire Apparatus movement, not supplied.

Response: Fire truck exhibit included as final sheet in plan set that was submitted for Preliminary and Final Approval.

Rockland County Planning Department, dated September 20, 2024:

1. A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

Response: Comment noted. Any permits required from DOT shall be obtained.

2. A review must be completed by the Palisades Interstate Park Commission, and any additional concerns addressed.

Response: To date, PIPC has not commented on the project but the Planning Board, as Lead Agency, has circulated the documents. If the Board feels necessary, we would request an override on this comment.

3. A review must be completed by the County of Rockland Department of Health, any comments or concerns addressed, and all required permits obtained.

Response: All required permits from County Health shall be obtained.

4. A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

Response: All required permits from County Sewer District shall be obtained.

5. A review must be completed by the County of Rockland Highway Department, all comments or concerns addressed, and any required permits obtained.

Response: County Highway does not require any permits.

6. A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Clarkstown fire inspector, or the Rockland Lake Fire Department to ensure that the site is designed in a safe manner and that there is easy access to the structure, in the event of an emergency.

Response: Comment noted, responses to Town Fire inspector are above.

7. 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 Erosion and Sediment Control.

Response: The Erosion and Sediment Control Plan included in the Site Plan set meets the latest state standards.

8. The Town shall be assured that the stormwater pollution prevention plan (SWPPP) conforms to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

Response: The SWPPP has been previously reviewed by the Town.

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

Response: The proposed stormwater mitigation meets this requirement.

10. 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. 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.

Response: Comment noted.

11. For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

Response: Comment noted.

12. It is normally the position of this department that new construction should not require variances. The Town shall be satisfied that the proposed variances are the minimum needed for this development, including for the increased density.

Response: Area variances were granted by the ZBA and the density complies with the zoning.

13. The bulk table indicates the side setback to the community hall is 39.4 feet. As depicted on the site plan, this is measured to lot line between lots 53.13-2-28 and 29. However, the lot line of lot 53.13-2-30 to the northwest of the community hall appears to be less than 20 feet. This shall be confirmed, and the bulk table corrected.

Response: Variances previously granted by the ZBA.

14. As per Section 290-20C, when a lot line is within 25 feet of the boundary of a more restrictive district, the yard and height requirements along that lot line must comply with the regulations of said district. The rear yard of the site is measured to the eastern property line, which also serves as the border of the R-160 zoning district. All uses other than single-family dwellings in the R-160 district must have a minimum rear yard of 160 feet. A variance from this standard will be needed since the site cannot comply.

Response: Variances previously granted by the ZBA.

15. Section 290-20F(11)(d) requires facilities for refuse disposal to be provided for all dwelling units. No dumpster enclosure is depicted on the site plan. The applicant must indicate how trash and recyclables will be handled for the site. If any dumpsters or other refuse areas outside the principal buildings are proposed, they must be completely enclosed.

Response: Individual trash & recycling cans will be inside the garages for each unit and brought to the curb for pickup.

16. Section 290-20F(11)(f) states that open parking areas cannot be closer than 20 feet to any building or lot line. The open parking area is only approximately 10 feet from the community center and appears to be less than 20 feet from Building 1. A variance will be needed if the parking cannot be relocated.

Response: The open parking areas comply with the zoning.

17. Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents and guests. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. Finally, snow storage must not be located within the grass paver area designated for emergency vehicle turnaround.

Response: There is plenty of room for snow removal and areas can be designated on the plans that do not conflict with the grasspaver turnaround or landscaping.

18. This department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: <https://www.dec.ny.gov/get-involved/living-green/sustainable-landscaping>.

Response: The Landscape plan has been approved by AHRB.

19. All proposed signage must conform to the Town requirements found in Chapter 243 of the Town Code, including Table 1 of said chapter. If any variances are required for the signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a) (v).

Response: No signage proposed as part of this application.

20. Retaining walls 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.

Response: Signed and sealed plans for the retaining walls exceeding 4' shall be provided to the building department for review prior to building permit issuance.

21. 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).

Response: The County Planning department did review the project again at the time the applicant appeared before the Zoning Board.

22. 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 this proposed multi-family dwelling meets 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.

Response: If needed, MDRC shall be obtained.

23. 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.

Response: Comment noted.

24. 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.

Response: Comment noted.

Rockland County Sewer District No. 1, dated July 25, 2024:

1. The sanitary sewer from this lot connects to the District's sewer system.
 - a. Upon review of this application, the District has determined that an impact fee is required, in accordance with the Rockland County Sewer Use Law as last amended in 2010. Impact fees enable the District to invest in future sanitary sewer improvement projects.
 - b. Approval of this application and the variances for six (6) proposed 2-bedroom townhouses, a proposed community building and the existing 2-bedroom single-family residence by merging a two (2) lots with a combined area of 55,365 square feet in the MF-1 District will result in one (1) additional sewer units. Therefore, the applicant must submit a check in the amount of one thousand eight hundred fifty dollars (\$1,850.00) payable to Rockland County Sewer District No. 1 within thirty (30)

days of Planning Board approval.

- c. Payment of the impact fee must be made to the District before the structures are connected to the sewerage system.
- d. If the use or occupancy of the property exceeds seven (7) units, the District will require further review and the owner will have to pay an additional impact fee.
- e. We request that the Planning Board notify the District upon approval of the project.

Response: Comment noted.

2. Details for sanitary sewer construction must comply with the District's construction standards and should be shown on the plans.

Response: Construction details are included on the plans.

3. Details for the house connections should be shown on the plans.

Response: This detail is included on Sheet 12.

4. District standards call for 6" of $\frac{3}{4}$ " crushed all around the pipe.

Response: This is reflected on the plans.

5. In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction be in accordance with the District's standards. The District's standard details require the joints to have butyl rubber seals with mortar in and out, and then to be coated with "Infi-shield" EPDM rubber seal wrap or approved equal.

Response: Comment noted.

6. Details for the sanitary sewer connections are subject to approval by the Town of Clarkstown.

Response: Comment noted.

Rockland County Department of Health, dated August 5, 2024:

1. Application is to be made to the Rockland County Health Department for sanitary sewer extension approval. Sewer capacity analysis is to be included.

Response: Comment noted.

2. Application is to be made to the Rockland County Health Department for water main extension approval.

Response: Comment noted.

3. Food Service Establishments are regulated by the Rockland County Department of Health. If the community Hall will have a kitchen, plans must be submitted and approved prior to construction.

Response: There are no plans to include a kitchen in the community center.

4. Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

Response: Comment noted.

5. In accordance with Article 13.8.1 of the Rockland County Sanitary Code, all multiple dwellings with three (3) or more rental units and all rooming houses must register and obtain a Multiple Dwelling Rental Certificate from Rockland County Health Department Rockland Codes Initiative (RCI) prior to occupancy.

Response: Comment noted.

Rockland County Drainage Agency, dated July 25, 2024:

1. Reviewed; no comments (Per Portal)

Rockland County Highway, dated September 10, 2024:

1. The proposal is a high-density residential development than what is existing now. It requires several variances from the applicable bulk standards. The acceptance of the proposed action would result in overdevelopment of the individual lot in the district. The cumulative of such overdevelopments in the district would certainly worsen the traffic congestions, street parking, flooding issues and lead to substandard developments in the area. The applicant will have to investigate the above concerns and mitigate them.

Response: The density complies with the zoning and variances were granted by the ZBA, not that County Highway has any jurisdiction on the matter.

2. Appendix 18 in the SWPPP is missing. The applicant shall identify and show the ownership and maintenance jurisdictions of the proposed stormwater drainage system in the site plan.

Response: The SWPPP shall be completed to the satisfaction of the DEFM prior to Chairman's endorsement.

At this time, we kindly request to be placed on the March 25th Planning Board meeting agenda for Preliminary and Final Site Plan Approval. An updated application and current site plans have been provided for the Board's consideration.