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

May 23, 2016

Kaser Planning Board
P.O. Box 391
Monsey, NY 10952

Tax Data: 49.20-1-8

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 1/29/2016 **Date Review Received:** 4/21/2016

Item: ***24 RITA AVENUE (K-54)***

Special permit and site plan application for an addition to an existing residential building on .23 acres in an R-2 zoning district. A total of six residential units are proposed.
North side of Rita Avenue, 311 feet east of Ashel Lane

Reason for Referral:

Town of Ramapo, Village of Spring Valley

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

1 In March of 2012, this department issued a General Municipal Law review of the text amendment adding multiple dwellings as a special permit use in the R-2 zoning district. While we were not opposed to allowing this special permit use in the R-2 zone, we did not support the decision to reduce the bulk standards for multiple dwellings. It is our understanding that proposed Local Law No. 2 of 2012 was adopted although we have not received a copy of the resolution or a revised Zoning Law.

The proposal before us does not conform to the less stringent bulk requirements currently in effect for multiple dwellings. Several setback and yard variances are required as well as an 18 percent increase over the permitted maximum development coverage and a 17 percent greater than the allowable maximum floor area ratio. The multi-family residence must be scaled back to conform to the R-2 bulk standards.

2 The Village shall be satisfied that the proposed multiple dwelling complies with the general conditions for special permit uses outlined in Section 1006, as well as the supplemental standards for this use included in Section 1008.

24 RITA AVENUE (K-54)

3 The Town of Ramapo and the Village of Spring Valley are the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along the northern property line of the site; the Spring Valley municipal boundary is approximately 300 feet north of the 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 Ramapo and 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 Town of Ramapo and the Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 The applicant must comply with the conditions of the Rockland County Health Department's letter of April 26, 2016.

5 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of May 5, 2016.

6 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of April 27, 2016.

7 The applicant must comply with the conditions of the New York State Department of Environmental Conservation's letter of May 20, 2016.

8 The Floodplain Administrator for the Village of Kaser shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

9 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. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

10 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

11 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Village fire inspector or the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.

24 RITA AVENUE (K-54)

12 The parking area is awkwardly configured. The minimal area provided for vehicles to maneuver in and out of parking spaces raise safety concerns. Since a turnaround area is not provided, vehicles parked in the three northernmost spaces will have to execute several turning maneuvers to exit the spaces or reverse out of the spaces onto Rita Avenue. As noted above, the proposal must be scaled back so that it conforms to all applicable standards. By decreasing the number of units, less parking spaces will be required, and the development coverage and floor area ratio will be reduced. In addition, on site amenities such as playground facilities and seating areas will be possible.

13 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.

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

15 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

16 The wrong scale is indicated on the map. This must be corrected.

17 Map notes must be provided on the plan.

18 The vicinity map must include a north arrow and a scale.

19 As noted on the Village of Kaser Building Department's April 21, 2016 denial letter, the site plan is deficient. A complete site plan with all dimensions and utilities must be submitted.

20 The Village of Kaser Building Department's April 21, 2016 denial letter indicates that the bulk table contains incorrect information. The correct standards must be provided in the bulk table, as well as accurate measurements for what is proposed. Additionally, the zoning district and use group must be specified.

21 The GML referral form, the application form and the project narrative specify that a two-family residence will be converted to a six-family residence. Our records indicate that a three-family residence is currently located on this site. The number of existing units must be confirmed.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser
New York State Department of Environmental Conservation
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services

Civil Tec Engineering & Surveying PC
Town of Ramapo, Village of Spring Valley

Mayer Hirsch

24 RITA AVENUE (K-54)

**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.