



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

September 22, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 57.09-1-30

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

Map Date: 7/15/2014

Date Review Received: 8/19/2014

Item: 31 DECATUR, LLC. (R-2256A)

Front setback, front yard, side setback, rear setback, and development coverage variances to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2410 acres in the R-15C zoning district. Variances are also required for more than one accessory apartment and inadequate on-site parking.

West side of Decatur Avenue, 475 feet north of West Central Avenue

Reason for Referral:

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 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 220 feet east of the site. This area of Spring Valley is zoned R-2, a medium density residential neighborhood characterized by one- and two-family residences. The maximum permitted residential density in the R-2 zone ranges from 4.84 units to 8.71 units per acre. The applicant is proposing a residential density of 24.89 units per acre. 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

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a manner that is supportive of the goals and objectives of the general area.

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.

2 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. The applicant is seeking a 58 percent increase over the maximum permitted development coverage, and is unable to provide required off-street parking on the parcel. The ability of the existing infrastructure to accommodate increased residential density on non-conforming lots 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 building footprint must be reduced to more closely conform to the R-15C bulk standards.

3 As per Section 376-65G.(3), only one accessory apartment is permitted in a three-family residence on a parcel with a lot width of less than 75 feet. The subject site has a lot width of only 70 feet so three accessory units are not allowed. In addition, it is a non-conforming lot that cannot accommodate the required on-site parking. The number of accessory units must be limited to one.

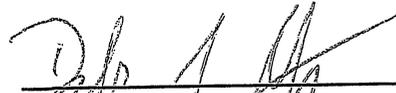
4 The bulk table indicates that variances are required for side setback, rear setback and deck rear setback. These variances are not included in the Town of Ramapo Building, Planning and Zoning Department's denial letter of July 31, 2014. The denial letter specifies that variances are needed for more than one accessory apartment and inadequate on-site parking. The bulk table does not include these variances. All application materials must be consistent. The public notice will have to be reissued if it did not contain all of the required variances.

5 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's denial letter of July 31, 2014 includes comments from the Town Fire Inspector. If exit stairs or ramps are proposed within ten feet of the property line, a New York State variance is necessary. An aerial apparatus road is required if the building is over 30 feet.

6 Only five of the required six parking spaces are proposed on the subject site. The bulk table includes a note that the fourth space is shown on the property to the north. It also states that an easement will be obtained. This is not an ideal arrangement. Future re-development of Lot 57.09-1-31 will render such an arrangement null and void. No off-site parking is illustrated on the survey map. Three spaces are located in the front yard; two spaces are behind the residential building. The driveway is 20-feet wide and no turnaround area is provided at the front or rear of the property. It will be difficult for future residents to maneuver in to and out of these spaces. As noted above, a smaller building with fewer units will more closely conform to the R-15C bulk standards.

7 A dumpster enclosure is not shown on the survey map. It must be fully accessible to sanitation workers; access must not be hampered by parked vehicles.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Civil Tec Engineering & Surveying
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
31 Decatur, LLC.

**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.

