



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

July 16, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.05-2-30

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

Map Date: 8/7/2013

Date Review Received: 6/16/2014

Item: **89 DECATUR AVENUE (R-2196A)**

Variances for lot area, lot width, front setback (Maple Ave and Decatur Ave), front yard (Maple Ave and Decatur Ave), side setback, rear setback, rear yard, maximum development coverage and parking space size to allow the construction, maintenance and use of an addition to and the conversion of a single-family dwelling to a three-family dwelling with three accessory apartments on .1936 acres in an R-15C zoning district.

Southwest corner of Maple Ave and Decatur 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 215 feet east of the site. This area of Spring Valley is zoned R-2, a medium density residential district characterized by one- and two-family residences. The maximum permitted residential density ranges from 4.84 to 8.71 units per acre. The applicant is proposing a residential density of 30.98 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

89 DECATUR AVENUE (R-2196A)

adjacent municipalities, and as a result development occurs in 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 minimum lot area variance of nearly 44 percent and an increase of 50 percent over the maximum permitted development coverage. Several significant yard and setback variances are also required. The ability of the existing infrastructure to accommodate increased residential density on undersized 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.

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

4 A variance is required for the second and third accessory apartments since the site does not meet the minimum lot width requirement specified in Section 376-65G.(2) and (3). The second and third accessory apartments must be eliminated so that this proposal more closely conforms to the R-15C bulk requirements. Only four parking spaces will be required thereby reducing the development coverage. A smaller residential structure will allow for an improved site layout. Variances will not be required for parking stall length, and recreational space can be provided for future residents.

5 The proposed deck on the north side of the building extends over parking spaces 2 and 3. It is unclear whether this is permitted under the New York State Uniform Fire Prevention and Building Code or the Town Code. This must be clarified.

6 A dumpster enclosure must be indicated on the site plan and located where it can be easily accessed by sanitation workers. Parked vehicles must not prevent access to the dumpster enclosure.

7 The bulk table indicates that variances are required for front yard on Maple Avenue and Decatur Avenue, and rear yard. These variances are not included in the Town of Ramapo Building, Planning and Zoning Department's denial letter of June 3, 2014. The denial letter does include a variance for total side setback. Since this is a corner lot, we do not believe this variance is required. All application materials must be consistent.



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
Anthony R. Celentano P.L.S.

89 DECATUR AVENUE (R-2196A)

Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Moses Berger

**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.

