



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

September 2, 2015

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

Tax Data: 57.09-1-24

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

Map Date: 5/8/2015

Date Review Received: 8/6/2015

Item: 21 DECATUR LLC I (R-2514)

Variances for lot area, lot width, front setback, front yard, rear setback, maximum development coverage, more than one accessory apartment, party wall less than 50 percent attached and court yard width to allow the construction, maintenance and use of a semi-attached, three-family residence with three accessory apartments on .1957 acres in an R-15C zoning district.

North side of West Central Avenue, 68 feet west of 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 approximately 75 feet south and 275 feet east of the site. The residential neighborhood to the south is zoned R-1, a low density residential zone. The zoning designation for the Spring Valley neighborhood to the east is R-2, a medium density residential zone. The applicant is proposing a residential density of more than 30 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 As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The lot width of the subject site is 61.2 feet. Therefore, one accessory apartment is allowed. The second and third accessory apartments must be eliminated. This will allow for closer conformance with the R-15C bulk requirements. The required on-site parking will be reduced to four spaces resulting in a lower development coverage. A smaller building footprint will also be possible with fewer accessory units.

3 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 36 percent increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming 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.

4 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 27, 2015 also includes comments from the Fire Inspector. The closest fire hydrant must be indicated on the site plan; the furthest portion of the building must be within 600 feet of the hydrant. Buildings within ten feet of the property line require a one-hour rated exterior wall.

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

6 Only five parking spaces are shown on the site plan. Six parking spaces are required for the proposed use. The access aisle for the handicapped space extends beyond the designated street line. All required on-site parking must be provided on the subject parcel. Locating an additional parking space on the adjacent lot does not satisfy the on-site parking requirement for Lot 57.09-1-24. The bulk table must reflect that a parking variance is required. The public hearing notice will have to be reissued if it did not include all of the required variances.

7 A parking turnaround area must be provided. Vehicles parked in spaces 1 and 4 will have to make several turning maneuvers to exit these spaces. Since exterior stairs are not shown on the site plan, it is not possible to determine if the proposed parking configuration is feasible.

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

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Douglas W. 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
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.L.S.
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
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**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.

