



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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September 4, 2015

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

Tax Data: 50.17-2-34

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

Map Date: 5/27/2015

Date Review Received: 8/6/2015

Item: **2 PARK STREET (R-2516)**

Variances for lot area, lot width, rear setback, street frontage, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a semi-attached three-family residence with three accessory apartments on .1377 acres in an R-15C zoning district.

South side of Park Street, approximately 60 feet east of Twin 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 along the southern property line of the site. The residential neighborhood to the south is zoned R-3, a medium-high density residential zone, characterized by one- and two-family residences, as well as multi-family residences. The maximum permitted residential density in the R-3 zoning district is 18 units per acre. The applicant is proposing a residential density of almost 44 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 a manner that is supportive of the goals and

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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 60 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 27 percent increase over the maximum permitted development coverage on a lot that has only 60 percent of the required minimum lot area. 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 9, 2015 also includes comments from the Fire Inspector. Exits and stairways cannot be within ten feet of the property line. An aerial apparatus access road is required for buildings over 30 feet in height. The closest fire hydrant must be indicated on the site plan.

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 It appears that the proposed fifth and sixth parking spaces actually straddle the eastern property line with only 12 of the 19-feet of stall length on the subject site. The project narrative does not address this unusual parking configuration. All required parking must be fully located on the subject site and the minimum standard stall width and length provided. The parking spaces shall be numbered and clearly labeled on the site plan. As noted above, the elimination of the second and third accessory apartments will reduce the on-site parking requirement to four spaces.

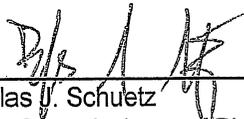
7 A parking turnaround area must be provided. Vehicles parked in the two southern spaces will have to make several turning maneuvers to exit these spaces. Since a front stoop or entry is not shown on the site plan, it is not possible to determine if the proposed parking configuration is feasible.

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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9 The bulk table indicates that the proposed lot width and street frontage are both 55 feet. This is incorrect. The lot width and street frontage are 60 feet. The provided rear setback is noted as 10 feet when it is actually 15 feet. In addition, there are two asterisks indicating that front setback, front yard, side setback and rear yard variances are required when they are not. The bulk table must be corrected.

10 The Town of Ramapo Building, Planning and Zoning Department's denial letter of July 9, 2015 indicates that a variance is required for building height. This variance is not noted on the bulk table. The need for a height variance must be confirmed. The public hearing notice will have to be reissued if it did not include all required variances.



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
Rockland County Office of Fire and Emergency Services
Civil Tec Engineering & Surveying PC
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Joseph Spira

**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.

