



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Acting Commissioner

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March 17, 2015

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

Tax Data: 50.17-2-12

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

Map Date: 1/13/2015

Date Review Received: 2/13/2015

Item: 3 *ELM STREET, LLC. (R-2493)*

Variances for lot area, lot width, front setback, front yard, side yard, rear setback, deck rear setback, maximum development coverage, parking and more than one accessory apartment to allow the construction, maintenance and use of a semi-attached, three-family residence with two accessory apartments on .1424 acres in an R-15C zoning district.

South side of Elm Street, west side 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:

****Disapprove***

A minimum lot area of 10,000 SF is required for this use. The subject site is only 6,201 SF necessitating a lot area variance of almost 38 percent. Only one accessory apartment is permitted since the lot width is just 59 feet. As per Section 376-65.G., a minimum lot width of 75 is required in order to permit more than one accessory apartment. This proposal will result in a gross overutilization of the site as evidenced by the number and the extent of the variances sought. In addition to lot area and lot width deficiencies, many yard and setback variances are required. A variance of 49 percent is needed for maximum development coverage. The on-site parking requirement is not achieved and cannot be accommodated on the parcel. We do not believe that accessory apartments are appropriate on this site. The total number of units shall be limited to three; the two proposed accessory units must be eliminated. The building footprint shall also be reduced to ensure that all required on-site parking can be safely accommodated on the lot.

The following recommendations address our additional concerns about the requested variances.

3 ELM STREET, LLC. (R-2493)

1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 50 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 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 an increase of 49 percent over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized 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.

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

4 The Town of Ramapo Building, Planning and Zoning Department's denial letter of January 28, 2015 includes the Chief Fire Inspector's comments. The applicant's engineer must demonstrate that there is sufficient water to meet fire flows as required in Section 508 of the New York State Fire Code. There must be a fire hydrant within 400 feet. If the building is sprinklered, a fire hydrant must be within 600 feet.

5 Sidewalks, all exterior stairs, window wells, area ways and decks for the proposed residential building must be shown on the site plan. Exterior stairs and ramps cannot be within ten feet of the property line. The building footprint must be reduced if these features encroach into the required setbacks.

6 All required parking must be provided on-site. A turnaround area must also be provided so vehicles can safely maneuver on the lot. Given the location of the proposed staircase, the parking configuration is not feasible.

7 The bulk table indicates that a side yard variance is needed because only three feet are provided rather than the required five feet. It is not clear how the three-foot side yard is derived. This must be clarified.

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



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, P.C.
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Eliyahu Solomon

Rockland County Planning Board Members

**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.

