# COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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November 18, 2015

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

**Tax Data:** 50.17-2-23

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

**Map Date:** 10/8/2015 **Date Review Received:** 10/20/2015

**Item:** ***YOEL AND YOSEF GRUNWALD (R-2533)***

Variances for lot area, lot width, side yard, rear setback, street frontage, maximum development coverage, parking, deck rear setback and number of accessory apartments to allow the construction, maintenance and use of a three-family residence with two accessory apartments on .1566 acres in an R-15C zoning district.
West side of Park Street, approximately 175 feet south of Union Road

**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 160 feet east, 285 feet south and 210 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 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 feet. Therefore, one accessory apartment is allowed. The second accessory apartment 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. A smaller building footprint will also be possible with fewer accessory units resulting in a lower development coverage.

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 reduced minimum lot area requirement for non-conforming lots is not achieved. The applicant is seeking a 30 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 bulk table does not include the side setback and total side setback standards. This information must be indicated on the bulk table, and variances noted if required. The notice for the public hearing will have to be reissued if it did not include all required variances.

5 The minimum lot width requirement for non-conforming parcels in the R-15C zoning district is 65 feet according to Section 376-131.D.(1))d). The bulk table must be corrected.

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

7 The Town of Ramapo Building, Planning and Zoning Department's revised denial letter dated October 7, 2015 includes comments from the Town Fire Inspector. Sprinklers must comply with NFPA 13R. Exits, stairways, walkways and decks cannot be within ten feet of the property line as per NYS Fire Code 1024.3. If the building exceeds 30 feet in height, an aerial apparatus road is required. Fire flows must comply with NYS Fire Code 508.3.

8 A review must be completed by the Rockland County Office of Fire and Emergency Services and the local fire district to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 The Town of Ramapo Building, Planning and Zoning Department's revised denial letter dated October 7, 2015 indicates that a building height variance is required because the proposed building is 40 feet in height. The bulk table states that the proposed height is 35 feet. According to Note 5 in Section 376-41, "the maximum height in the R-15C shall be 40 feet, for the purpose of enhancing roof design." All application materials must be consistent. The need for a building height variance must be clarified. The notice for the public hearing will have to be reissued if it did not include all required variances.

10 As noted above, The Town of Ramapo Building, Planning and Zoning Department's denial letter was last revised on October 7, 2015. The map submitted with this application is dated October 8, 2015. An updated denial letter must be prepared.

**YOEL AND YOSEF GRUNWALD (R-2533)**

11 It will difficult for vehicles parked in the western spaces to maneuver out of these spaces without a turnaround area. No sidewalks, stairs, or exits have been shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there would be safety issues for the residents. A turnaround area must be provided, and the stairs, walkways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

12 It appears that one or two handicapped parking space are proposed. These two spaces and an access aisle straddle the northern property line. The bulk table does not indicate that a fifth and sixth parking space are provided. Cross easements for parking are not shown on the site plan. The project narrative must address this issue. The total number of proposed parking spaces must be clarified. All required parking must be provided on the site.

13 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
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
Yoel and Yosef Grunwald

**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.*