

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene Miller**  
*Deputy Commissioner*

March 17, 2016

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

**Tax Data:** 50.17-2-4

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

**Map Date:** 1/30/2008

**Date Review Received:** 2/18/2016

**Item:** 67 TWIN, LLC. (R-2547)

Variances to permit the construction of a three-family dwelling with three accessory apartments for a parcel located on .17 acres in the R-15C zoning district. Requested variances include: less than the required lot width, rear setback, and street frontage; and greater than permitted maximum development coverage and number of accessory apartments.

West side of Twin Avenue, approximately 2078 feet north of Franka Place

**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***

This is a non-conforming lot, both in lot area (7,505 sq. ft) and lot width (53.46 feet), and as evidenced by the magnitude of the variance required for development coverage (70%), an overutilization of the site. To recognize that undersized lots should not be as extensively developed, Section 376-65.G. in the Town's zoning ordinance permits only one accessory apartment if the minimum lot width is less than the required 75 feet.

The granting of the variance for the number of accessory apartments will set a precedent for other property owners in the vicinity to also request this variance. Development of a three-family with three accessory apartments, particularly in this area, will undermine the intent of the zoning ordinance and change the character of the neighborhood. This is particularly true since every parcel along Twin Avenue, as well as Park Street, is less than 75 feet wide, and generally less than 7,500 sq. ft. in area.

The configuration of the on-site parking results in difficult to maneuver spaces as designed, further

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indicating that too many units are proposed on this constrained site. The total number of units shall be reduced so that only one accessory apartment is proposed. This will allow the building footprint to be reduced so that the maximum development coverage conforms to the bulk requirements, and allow a parking configuration that provides safe and easy access into and out of the site.

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

1 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 ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. The development coverage is exceeded by 70% and the lot width is deficient by almost 29%. 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.

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 only 53.46 feet, and is deficient by close to 29%, 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 As indicated in the January 29, 2016 letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises several comments that must be addressed. These include: 1) sprinklers must comply with NFPA 13R requirements; 2) fire flow requirements, as per NYS Fire Code 508.3 must be met; 3) if a building exceeds 30 feet from the lowest level of fire department access, an aerial apparatus road is required as per NYS Fire Code D105; 4) decks, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 5) the FDC must be mounted street side; and 6) the fire alarm must be connected to 44 Control. These comments must all be addressed. In addition to providing the location of the exits, walkways, stairs and balconies/decks, as mentioned above, the specific building height must be provided.

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

5 It will be difficult for a vehicle parked in spaces #1 and 4 to maneuver out of the spaces without a turnaround area. Since no stairways or exits are shown on the map, it is impossible to determine if their location will be in conflict with the parking area, and whether the potential for traffic conflicts between pedestrians and vehicles exists. A turnaround area must be provided so that vehicles do not have to back out into the roadway.

6 All proposed decks, exit stairways, and dumpster/refuse containment areas must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site. If sidewalks are proposed, they must also be shown on the plans. The dumpster must be located so that it does not impede with parking areas.

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7 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 107 feet south 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 county-wide 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 which 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.

8 The site plan does not contain a north arrow (only the vicinity map does) or any map notes. These features must be added to the site plan.

  
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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
- New York State Department of State,  
Division of Code Enforcement & Administration
- Spring Valley Fire District
- Anthony R. Celentano P.L.S.
- Village of Spring Valley

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.*

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*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.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*