

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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December 19, 2016

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

Tax Data: 56.20-3-23.4 56.20-3-23.3 56.20-3-23.2 56.20-3-23.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 8/17/2016

Date Review Received: 11/10/2016

Item: 68 ONT HOLDINGS, LLC. (R-2004C)

Variations to allow the re-subdivision of 1.37 acres in the R-15A zoning district into four reconfigured lots. A detached, two-family residence is proposed on each lot. Minimum lot area and maximum floor area ratio variations are required for the four lots. Lots 1 and 4 will also need rear setback variations. Lots 2 and 3 require additional variations for front setback, front yard, minimum street frontage and no frontage on a public street.

North side of Old Nyack Turnpike, approximately 220 feet west of Brewer Road

Reason for Referral:

Old Nyack Turnpike (CR 52), Village of Spring Valley, New York State Thruway

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***

The applicant is now proposing to reconfigure an existing four-lot subdivision. While this is an improvement over the five-lot subdivision previously proposed, it is still very deficient in meeting the R-15A bulk standards. The minimum lot area requirement for a two-family dwelling is 20,000 square feet. The total lot area combined can yield two conforming, two-family dwellings on 20,000 SF lots (three with minor variations), or five single-family dwellings on 10,000 SF lots (six with minor variations). Each of the four reconfigured lots is more than 25 percent deficient in meeting the minimum lot area requirement. Proposed Lots 2 and 3 are landlocked requiring access easements over Lots 1 and 4. In addition, a 25 percent variance is required for floor area ratio for all of the two-family residences. Substantial yard and setback variations are required for each lot ranging from more than 70 percent to nearly 86 percent.

This proposal will result in the gross overutilization of the sites as evidenced by the number and the extent of the variations required. We recommend that both the number of lots and residential units be reduced to more closely conform to the R-15A bulk requirements.

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We offer the following additional recommendations on the required 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 and 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.

2 A review shall be completed by the Rockland County Highway Department and all comments and concerns addressed. All required permits must be obtained.

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of July 19, 2016.

4 The applicant must comply with the conditions of the Rockland County Sewer District # 1's letter of July 20, 2016.

5 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed residential buildings must be held to the requisite minimum standards and comply with all requirements of this code.

6 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector, or the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

7 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 400 east 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.

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8 A 30-foot access drive is proposed from Old Nyack Turnpike that crosses over each of the four lots. Cross easements for ingress, egress, parking, garbage collection, and utilities must be provided and illustrated on the map.

9 Vehicles will be unable to access or exit the two northern parking spaces on Lots 2 and 3 when the garbage is being removed by sanitation workers. The garbage enclosures must be relocated. Access to the garbage enclosures must be unimpeded, and it must be demonstrated that their location will not impact yard requirements and parking maneuverability on the site.

10 All proposed building entrances, stairways, and window wells must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

11 Two parallel lines are shown on the map running through the parking spaces on Lots 1 and 2 and immediately west of the access drive. It is unclear what they represent. Clarification must be provided.

12 The proposed decks must be more clearly defined on the ZBA plan. As shown, there is no defined boundary, and they are shown to extend to the property line on three of the four lots.

13 The August 5, 2016 memorandum from the Director of Building, Planning and Zoning incorrectly states that 40 variances are required for this proposal. All applicable R-15A bulk standards are listed but many are in compliance. Only the 17 required variances shall be included in the denial memorandum.

14 General Note 6 indicates that a two-family residence with one accessory apartment is proposed on each lot. The GML referral form, application form, project narrative and bulk table all specify that two-family residences are proposed. All application materials must be consistent.

15 General Note 13 must be corrected to reflect that SUEZ is the water supplier.

16 A scale and north arrow must be provided on the vicinity map.

17 The reconfigured, four-lot subdivision is subject to a review by this department as mandated under the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Rockland County Drainage Agency

Civil Tec Engineering & Surveying PC
Village of Spring Valley
Town of Ramapo Fire Inspector

68 ONT Holdings, LLC.

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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.

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.