

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 4, 2016

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

Tax Data: 50.17-2-7

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

Map Date: 12/31/2015

Date Review Received: 3/7/2016

Item: *MORDECHAI ADLER (R-2550)*

Variances for lot area, lot width, front setback, front yard, rear setback, street frontage, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family residence on .1401 acres in an R-15C zoning district.

West side of Twin Avenue, approximately 275 feet south of Elm Street

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 Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 6,101 SF or 59 percent smaller than the 15,000 SF minimum lot area required for new three-family residences in the R-15C zoning district. It also does not meet the reduced lot area requirement of 7,500 SF specified in Section 376-131.D.(1)(f); a variance of almost 19 percent is required. A two-family residence with a smaller building footprint will more closely conform to the R-15C bulk standards, as well as Section 376-131. The building footprint and the number of residential units must be reduced.

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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 a 50 percent increase over the allowable maximum development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming lots 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 Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 320 feet north, 430 feet east and 270 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 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.

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

5. The February 3, 2016 denial letter from the Town of Ramapo Building, Planning and Zoning Department includes comments from the Fire Inspector that must be addressed. These include: 1) sprinklers must comply with NFPA 13R; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 3) if the building exceeds 30 feet in height, an aerial apparatus road is required to comply with NYS Fire Code D105; 4) decks, ramps and stairways are not permitted to be within ten feet of a property line as per NYS Fire Code 1024.3; 5) the location of the nearest fire hydrant must be shown; 6) the fire department connections must be mounted on the street-side of the building; and 7) the driveway access is too narrow for emergency vehicles.

6. A review must be completed by the County of Rockland Office of Fire and Emergency Services or the local fire department to ensure that there is sufficient maneuverability on-site for emergency vehicles.

7. It will be difficult for a vehicle parked in space #1 to maneuver out of the space without a turnaround area. No exterior stairs, walkways or exits are shown on the site plan, making it challenging to assess the parking area in relation to the pedestrian movement on site, and whether there will be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs, walkways and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

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

9 The site plan must include map notes.



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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

Anthony R. Celentano P.L.S.
Village of Spring Valley

Mordechai Adler

**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.

