

**DEPARTMENT OF PLANNING**

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

**Arlene R. Miller**  
*Deputy Commissioner*

May 4, 2016

Ramapo Planning Board  
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:** 3/17/2016

**Date Review Received:** 4/8/2016

**Item:** *BE & YO (R-2004B)*

Re-subdivision of four lots into five lots on a total of 1.37 acres in the R-15-A zoning district. Many variances are required to implement the proposed subdivision, including lot area, rear setback, and maximum floor area ratio for all five lots. A two-family residence is proposed on each lot.

North side of Old Nyack Turnpike, approximately 220 feet west of Beaver 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 proposing to create five new undersized lots from four existing lots. 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 sq. ft. lots (three with minor variances), or five single-family dwellings on 10,000 sq. ft. lots (six with minor variances). Each proposed lot is more than 38% deficient in meeting the lot area; and a large portion of lot #3, the smallest lot, is close to 43% deficient. In addition, a portion of this lot is only 16 feet wide, making this 1,321.92 square foot area unusable except for access. This results in only 9,936 square feet of useable land for the proposed two-family dwelling. Proposed lots #2 and #4 are landlocked. No access or utility easement is proposed to serve the landlocked properties, though driveways and parking spaces for Lots #2 and #4 are shown to connect by traveling through Lots #1, #3 and #5. Cross access and utility easements must be provided to serve the landlocked parcels, and this land area must be deducted from the gross lot area for the lots.

In addition, significant variances are required for floor area ratio for all of the lots. Two of the lots propose floor area ratios (FAR) that are 75% greater than permitted; the FAR for Lot #3 is 90%

## **BE & YO (R-2004B)**

greater than permitted; Lot #2's FAR is 97.5%, and the FAR for Lot #4 is 100% greater than the allowable square footage. Variances for lot width and street frontage are required for Lots #2, #3, and #4; front setback and front yard variances are required for Lots #1, #2, #4, and #5; side setback variances are required for Lots #1, #2, and #3; total side yard setback variances are required for Lots #2 and #3; and maximum development coverage variances are required for Lots #1, #3, and #5. The degree of non-conformity varies for each lot, but many variances are deficient by 50, 74 or 100 percent.

This proposal will result in a gross overutilization of the site as evidenced by the number and the extent of the variances required. Cross easements for access and utilities have not been provided, and will further reduce the lot areas when properly factored into the design, thereby exacerbating the extent of the lot area, FAR and maximum development coverage variances. The number of lots and residential units be reduced, as well as the size of the units, so that the proposed new development more closely conforms to the R-15A bulk requirements.

We offer the following additional recommendations on the subdivision application:

- 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 The subdivision plan shows the existing cross easement for ingress, egress and utilities for the old tax lots to be abandoned. In its place, only a 16 foot wide land area to serve Lot #3 is shown. No proposed cross easements are being proposed to serve these five lots, yet the layout plan illustrates that all five lots will be served by one central driveway, which is part of Lots #1, #3, and Lot #5. Additionally, the access driveway and area needed for vehicles to maneuver into and out of the parking spaces for Lots #2, #3, and #4 must all have access easements over the adjacent lots. The land area within the 16 foot wide neck area is 82.62 feet in length, for a total of 1,321.92 sq. ft., and is unusable for Lot #3, and should not be included in the lot area for this parcel. Cross easements for ingress, egress, parking, garbage collection, and utilities must be provided. Separate easements are required, as the access, parking, and garbage easements will not coincide with the needed easements for water and sewer lines serving the lots.
- 3 It will be difficult to access the garbage enclosures located on Lots #2 and #4 if vehicles are parked in the parking space directly in front of the enclosure area. The garbage enclosures must be relocated to a more accessible location so that it is possible to access them at all times.
- 4 An updated review must be completed by the Rockland County Department of Highways. The comments and conditions in their September 30, 2015 letter must be met. All required permits must be obtained.
- 5 The applicant must comply with the conditions of the Rockland County Health Department's letter of February 23, 2016.
- 6 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of February 18, 2016.
- 7 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

**BE & YO (R-2004B)**

8 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.

9 The Bulk Requirements Table on Sheet 2 of 5 indicates that a two-family plus one accessory apartment is proposed. The revised narrative submitted with the application indicates that a two-family residence is now proposed. All application materials must be consistent. This map note for the bulk table must be corrected.

10 The reference in General Note #13 for the Water District with the supplier as United Water must be corrected to be SUEZ.

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



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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 Drainage Agency  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
New York State Thruway Authority  
New York State Department of State,  
Division of Code Enforcement & Administration  
Monsey Fire District  
Rockland County Planning Board  
  
Civil Tec Engineering & Surveying PC  
Village of Spring Valley

Rockland County Planning Board Members

**BE & YO (R-2004B)**

*\*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.*