

**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:** 57.09-1-35

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

**Map Date:** 1/13/2016

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

**Item:** *DECATUR BNY, LLC. (R-2111D)*

Variations to allow a two-lot subdivision on .42 acres located in the R-15C zoning district, and the construction of a semi-attached, three-family residence with three accessory apartments on each parcel. Requested variations include: lot area, front setback, front yard, rear setback, and maximum development coverage for both lots; rear yard for Lot #1; and street frontage, no frontage on a public street, and parking in the required rear yard for Lot #2. A variance for maximum height is also noted on the January 27, 2016 denial letter from the Town of Ramapo Building, Planning & Zoning Department. West side of Decatur Avenue, approximately 470 feet south of Stephens 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:

***\*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 215 feet east of the site. This area of Spring Valley is zoned R-2, a medium density residential district. The maximum permitted residential density ranges from 4.8 to 8.7 units per acre. The applicant is proposing a residential density of 28.4 units per acre, or more than three times the maximum permitted in the R-2 zoning district. 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

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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 It is unclear whether Section 376-131 applies to this parcel. The subdivision proposal will result in two non-conforming, undersized lots. However, the existing parcel at 18,381 SF meets the minimum lot area requirement of 15,000 SF for a detached three-family residence. Three accessory apartments are also permissible since the lot width is over 75 feet. It must be clarified whether the more relaxed bulk standard permitted under Section 376-131 are applicable to two newly created parcels.

3 Given the extent of the variance required for maximum development coverage (>36 percent) and that minimum lot area variances are also required, the building footprint and the number of units must be reduced.

4 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. 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.

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

6 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.

7 The applicant must comply with the conditions of the Rockland County Health Department's letter of October 26, 2015.

8 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of October 28, 2015.

9 The garbage enclosures serving the proposed 12 residential units are located north of two parking spaces. In addition, the garbage enclosure for Lot #2 is located at the westernmost portion of the access. It will be difficult for sanitation vehicles to access this area given the long narrow driveway and the lack of a turnaround area. Sanitation workers will be unable to empty trash receptacles if vehicles are parked in these two spaces. The garbage enclosures must be relocated to a more accessible area.

10 The access and utility easements required over Lot 1 to get to Lot 2 must be shown on the plans.

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11 The vicinity map parcels are outdated. A 25-foot right-of-way is shown to the west of the site. This is inaccurate. The vicinity map must be updated to reflect the latest information.

12 The January 27, 2016 letter from the Town of Ramapo Building, Planning & Zoning Department notes that a variance is also required for maximum building height. It must be clarified if a building height variance is required, and if so, noted on the bulk table.

13 The vicinity map must include a north arrow, especially since it is not oriented the same as the main map.

  
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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  
Monsey Fire District  
Civil Tec Engineering & Surveying PC  
Village of Spring Valley

*\*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.*

