

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 25, 2016

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

Tax Data: 57.09-1-8

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

Map Date: 6/3/2016

Date Review Received: 7/28/2016

Item: *BREINDY LEBOVITS (R-2575)*

Variances to permit the construction of a three-family residence with three accessory apartments located in the R-15C zoning district on .2759 acres. Required variances include: total side setback, rear setback, maximum development coverage, rear deck setback, and outer court dimension.
East side of Decatur Avenue, approximately 100 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 along the eastern property line of the site. This area of the Village is zoned R-2, a low-density zone characterized by one- and two-family dwellings. The maximum permitted residential density ranges from 4.84 units to 8.71 units per acre. The applicant is proposing an effective residential density of 21.75 units per acre. 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.

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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 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 40 percent increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized 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 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 building must be held to the requisite minimum standards and comply with all requirements of this code.

4 It will difficult for a vehicle parked in space #3 or #6 to maneuver out of the space without a turnaround area. No sidewalks, stairs, or exits have been shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there would 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.

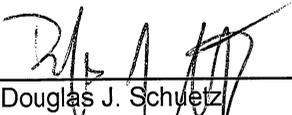
5 As indicated in the July 11, 2016 letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire inspector raises several comments that must be addressed. These include: 1) sprinklers must comply with NFPA 13R; 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3; 3) exits, stairways, and ramps are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 4) if a portion of the building exceeds 30 feet in height above the lowest level of department access, an aerial apparatus road will be required to comply with NYS Fire Code D105; 5) an additional fire hydrant may be required if there is not one within 600 feet of the furthest point of the building as per NYS Fire Code 508.5.1 exception 2; 6) fire department connections must be mounted on the street side of the building as per NYS Fire Code 903.3.7; 7) the fire alarm must be connected to 44 Control; and 8) the location of the nearest fire hydrant must be shown.

6 The Town of Ramapo Building Department's denial letter dated July 11, 2016 indicates that a variance is required for outer court minimum dimensions, but the site plan does not cite this required variance. All materials must be consistent. The site plan must be updated to indicate that this variance is also required. If the public hearing notice did not include this required variance for this application, then it will have to be re-issued.

7 A review must be completed by the Rockland County Office of Fire and Emergency Services, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

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- 8 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland
- 9 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 10 All proposed 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.
- 11 The site plan shall include map notes that list all appropriate information, including the district details.
- 12 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.



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

**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.

