Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 23, 2016

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

Tax Data: 57.05-1-73

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/29/2016 **Date Review Received:** 7/28/2016

Item: ***ESTHER MELAMED (R-2573)***

Variances to permit the conversion of a single-family dwelling to a two-family dwelling located on .227 acres in the R-15C zoning district. Required variances include: front setback, front yard, side setback, total side setback, rear setback, and rear deck setback.
East side of N. Cole Avenue, opposite First 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 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 oversized facilities on 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.

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2 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is directly 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 county-wide 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 which is supportive of the goals and objectives of the general area.

Those areas of countywide concern, including but not limited to traffic, drainage, stormwater management, sewer capacity, water supply and community character, that directly impact the Village of Spring Valley must be considered and satisfactorily addressed.

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.

As shown, the proposed residential building will require a variance from the New York State Uniform Fire Prevention and Building Code (NYS UFPBC) since the stairs are located closer than ten feet to the property line. The applicant must seek the required variance from the New York State Department of State.

4 A review must be completed by the County of Rockland Office of Fire and Emergency Services or the Spring Valley Fire District to ensure that there is sufficient maneuverability on site for emergency vehicles.

5 As indicated in the April 27, 2016 denial letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises several comments that must be addressed. These include: 1) the inability to verify if proper fire separations between the proposed addition and the existing structure are provided; 2) the one-story addition has already been constructed; and 3) more information is required. These issues must be addressed.

6 The Town of Ramapo denial letter dated April 27, 2016 states that a variance is also required for the lot area, but does not note that variances are required for side setback, total side setback, rear setback or rear deck setback. All materials must be consistent. If the public hearing notice does not indicate that these additional variances are required, then it will have to be re-issued.

7 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

8 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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9 The location of the trash dumpster/refuse container must be illustrated on the site plan. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

10 The site plan shall include map notes that list all appropriate information, including the district details.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
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 ZBA

**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.