

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 3, 2016

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

Tax Data: 50.15-4-80

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

Map Date: 6/6/2016

Date Review Received: 10/6/2016

Item: *MONSEY FLATS II, LLC (R-2472B)*

Variations to permit a three-lot subdivision of 1.1323 acres in the R-15 zoning district, and the construction, maintenance and use of a single-family residence on Lots 1 and 2, and a two-family residence on Lot 3. Street frontage and 280A variations are required for Lots 2 and 3. Lot 3 also needs lot area, front setback and front yard variations.

West side of Pascack Road, 80 feet south of Hickory 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 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 225 feet west 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

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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 The net lot area of the subject site is 49,322 SF. This parcel can yield three conforming 15,000 SF lots or two conforming 20,000 SF lots; a maximum of three single-family residences or two two-family residences can be constructed in accordance with the R-15 bulk requirements. The proposal must be scaled back to comply with the applicable bulk standards.

3 The application materials indicate that single-family residences are proposed on Lots 1 and 2, and a two-family residence is proposed on Lot 3. The structures on Lots 1 and 3 are labeled as single-family residences but four parking spaces are shown on each lot. The bulk table also indicates a parking requirement of four spaces for these lots. However, the Table of General Use Requirements (Section 376-31) specifies a parking requirement of two spaces per unit. A total of two parking spaces are therefore required on Lots 1 and 2. The ZBA Plan shows two duplexes on Lot 3. It is unclear whether this is a labeling error. Since the drawing does not contain map notes, it is not possible to confirm what is actually proposed. This must be clarified.

4 Cross easements for access and utilities must be shown on the site plan. The minimum lot area should not include the land area within these required easements. Calculations for these deductions must be provided on the plans, as well as a note indicating who will be responsible for maintenance.

5 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 an 18.5 percent in the required minimum lot area for Lot 3, as well as yard and setback variances. 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.

6 An updated review of the June 16, 2016 ZBA Plan shall be completed by the Rockland County Health Department, and any required permits obtained. In addition, the conditions in the January 20, 2015 letter from the Health Department must be met.

7 An updated review of the June 16, 2016 ZBA Plan shall be completed by the Rockland County Sewer District #1 and any required permits obtained. In addition, the conditions in the January 22, 2015 letter from the Sewer District must be met.

8 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 buildings must be held to the requisite minimum standards and comply with all requirements of this code.

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

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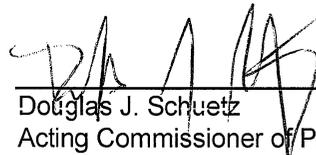
10 The Town of Ramapo Building, Planning & Zoning Department's August 22, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include:

- 1) sprinklers must comply with NFPA 13D;
- 2) the applicant must show that there is sufficient water to meet fire flow requirements as per NYS Fire Code 508.3;
- 3) 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 Appendix D Section D105;
- 4) the access road must be striped in accordance with NYS Fire Code D103.6;
- 5) the location of the nearest fire hydrant must be shown;
- 6) fire department connections must be mounted on the street side of the building as per NYS Fire Code 903.3.7; and
- 7) 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.

11 All proposed decks, walkways and refuse containment areas must be delineated on the site plan demonstrating that they will not impact yard requirements or parking maneuverability for the site.

12 A deeper parking turnaround area must be provided on Lot 2 to facilitate turning maneuvers for a vehicle parked in the southernmost space on Lot 3, as well as emergency vehicles.

13 The map is lacking several features that must be provided. These include a north arrow for the ZBA Plan, a north arrow and scale for the Vicinity Map, and map notes that list all appropriate information, including the tax parcel identification number, and district details. These features must be included on the drawing.



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
New York State Department of State
Hillcrest Fire District
Rockland County Office of Fire and Emergency Services

Civil Tec Engineering & Surveying PC
Village of Spring Valley

Monsey Flats II, LLC

**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.

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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.