

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 6, 2016

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

Tax Data: 49.20-2-26

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

Map Date: 11/3/2015

Date Review Received: 3/9/2016

Item: *STANLEY STORCH (R-1806B)*

Variances for lot area, front setback (Ralph Boulevard and Jill Lane), front yard (Ralph Boulevard and Jill Lane), side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family dwelling with three accessory apartments on .2652 acres in an R-15C zoning district.

Southwest corner of Ralph Boulevard and Jill Lane

Reason for Referral:

Villages of Kaser and 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 Villages of Kaser and Spring Valley are the reasons this proposal was referred to this department for review. The Kaser municipal boundary is along the southern property line of the site; the Spring Valley municipal boundary is approximately 175 feet north 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.

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The Villages of Kaser and 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 Villages of Kaser and 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 23 percent reduction in the minimum lot area requirement and a 50 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 building footprint and the total number of residential units shall be reduced to comply more closely with the R-15C bulk requirements. A smaller structure will reduce the extent of the yard and setback variances, and result in less development coverage. Fewer units will require less parking spaces further reducing the impervious surfaces on the site.
- 4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 5 The December 14, 2015 denial letter from the Town of Ramapo Building, Planning and Zoning Department contains comments from the Fire Inspector 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) decks, exits, stairways and ramps are not permitted to be within ten feet of a property line as per NYS Fire Code 1024.3; 4) if a portion of the building falls within ten feet of a property line, a one-hour rated exterior wall is required; 5) if the building height exceeds 30 feet above the lowest level of fire department access, an aerial apparatus road is required as per NYS Fire Code D105; and 6) the location of the nearest fire hydrant must be shown.
- 6 A review must be completed by the County of Rockland Office of Fire and Emergency Services or the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 7 It will difficult for a vehicle parked in space #1 or #6 to maneuver out of the space without a turnaround area. No exits or sidewalks are shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there will 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 exits and sidewalks must be illustrated on the site plan so that safety issues can be properly evaluated.
- 8 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access to the dumpster.
- 9 The December 14, 2015 denial letter from the Town of Ramapo Building, Planning and Zoning Department indicates that a rear setback variance is required for the deck. This variance is not included on the bulk table. All application materials must be consistent. The public hearing notice must be reissued if it did not include all required variances.

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10 The site plan must include a north arrow and map notes.



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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

Anthony R. Celentano P.L.S.
Villages of Kaser and Spring Valley

Stanley & Gitel Storch

**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.

