



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 2, 2016

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

Tax Data: 50.17-2-26

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

Map Date: 1/17/2016

Date Review Received: 4/8/2016

Item: *SAMUEL WETTENSTEIN (R-2560)*

Variances for lot area, front setback, front yard, side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2144 acres in an R-15C zoning district.

Southwest side of Union Road at the intersection of Elm Street, and west side of Park Street

Reason for Referral:

Village of Spring Valley, Pascack Brook

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 one of the reasons this proposal was referred to this department for review. The municipal boundary is along Union Road, approximately 25 feet northeast of the site. A low density R-1A zoning district is located to the north and northeast; a medium density R-2 zoning district is located to the east. The applicant is proposing a residential density of 28 units per acre, or more than three times the maximum residential density permitted in Spring Valley's 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 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 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.

3 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 minimum lot area variance of 38 percent and a 40 percent increase over the maximum permitted development coverage. 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. The building must be scaled back and the number of units reduced to more closely conform to the R-15C bulk standards.

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

5 The Town of Ramapo Building, Planning & Zoning Department's March 14, 2016 denial letter 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) 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; 4) decks, ramps and stairways are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 5) the location of the nearest fire hydrant must be shown; 6) an additional fire hydrant will be required if the furthest point of the structure does not fall within 600 feet of the closest fire hydrant as per NYS Fire Code 508.5.1 exception 2; 7) the fire alarm must be connected to 44 Control; and 8) fire department connections must be mounted on the street side of the building.

6 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 must be provided.

7 The Town of Ramapo Building, Planning & Zoning Department's March 14, 2016 denial letter indicates that variances are required for a turnaround area for parking spaces 1 and 2, as well as a fence setback. These variances are not included on the bulk table. The public notice will have to be reissued if it did not contain all of the required variances.

8 As noted above, a turnaround area is not provided for parking spaces 1 and 2. The driveway access for these spaces is located in close proximity to the intersection and the adjacent driveway to the west. This is an unsafe location and an indication that this proposal will result in an overutilization of the site. The building footprint must be reduced and the number of units decreased. Fewer units will require less on-site parking thereby reducing the extent of the development coverage variance. The yard and setback variances will also be diminished.

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9 A parking turnaround has not been provided for the second parking area containing spaces 3, 4, 5 and 6. A vehicle parked in space 4 will have difficulty entering and exiting this space. Given the proximity of the entrance stairs to the parking area, we recommend that a smaller structure with fewer units be reconfigured on the site so that the required parking can be safely provided. The current layout raises pedestrian safety concerns.

10 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.

11 The site plan must include map notes.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State,
Division of Code Enforcement & Administration
Rockland County Office of Fire and Emergency Services

Anthony R. Celentano P.L.S.
Village of Spring Valley

Samuel Wettenstein

**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.

