

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 24, 2017

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

Tax Data: 50.17-2-16

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

Map Date: 9/1/2016

Date Review Received: 3/8/2017

Item: 28 COLLINS AVENUE, LLC./76 TWIN AVENUE (R-2591)

Variances for minimum lot area, lot width, front setback, front yard, rear setback, street frontage, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family dwelling on .1263 acres in an R-15C zoning district.

East side of Twin Avenue, approximately 225 feet north of Park 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:

****Disapprove***

Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 5,500 SF or 27 percent smaller than the reduced minimum lot area requirement of 7,500 SF for non-conforming lots. The parcel is also deficient in meeting the relaxed standards for minimum lot width and street frontage. The maximum floor area ratio is proposed, resulting in a structure that requires several yard and setback variances. In addition, a 40 percent increase over the maximum permitted development coverage is needed. This proposal will result in an overutilization of the site as evidenced by the number and magnitude of the variances required to implement it. The building footprint and the number of units must be reduced to more closely comply with R-15C standards for non-conforming lots.

The following comments address our additional concerns about this proposal.

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1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 220 feet north and 175 feet northeast of the site. This area of Spring Valley is zoned R-1A, a low-medium residential district characterized by one- and two-family residences. One accessory unit is also allowed. The permitted residential density ranges from 4.8 units per acre for detached single-family dwellings to 15.4 units per acre for detached two-family dwellings with an accessory apartment. The applicant is proposing a residential density of 23.8 units per acre or almost 55 percent greater than the permitted maximum in Spring Valley. 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 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. As noted above, the applicant is seeking a 40 percent increase over the permitted maximum development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized, 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. The building footprint and number of units must be decreased to achieve closer conformance with the R-15C bulk standards.

3 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.

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

5 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.

6 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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7 The Town of Ramapo Building, Planning & Zoning Department's December 16, 2016 denial letter contains comments from the Fire Inspector that must be addressed. These include:

- 1) the elevation for the lowest point of fire department vehicle access and grade plane are to be located and shown on the plan;
- 2) the elevation for the eaves and finished third floor are to be shown on the plan for all portions of the building;
- 3) the building shall be sprinklered with a NFPA 13R system;
- 4) if any portion of the building is more than 30 feet above the lowest point of department access, an aerial access road shall be provided as per NYS IFC 105;
- 5) if any portion of the finished floor is more than 30 feet above the grade plane, a stand pipe system shall be provided as per NYS IFC 905.3.1;
- 6) fire department connections must be mounted on the street front of the building;
- 7) the applicant must show that there are sufficient fire flow requirements as per NYS IFC 507.3;
- 8) all egress components shall comply with Chapter 10 of the NYS IFC;
- 9) no egress stairways shall be within ten feet of the property line as per Section 1027.5 NYS IBC;
- 10) all basement storage areas are to meet required separation of Table 508.4 NYS IFC;
- 11) emergency and exit lights for all common hallways and basements are to comply with Section 1008 NYC IFC;
- 12) a Knox Box shall be shown on the plans as per Section 506 NYS IFC;
- 13) sufficient parking shall be provided so that fire department access is not blocked;
- 14) if applicable, all fire zone striping and signage shall be shown on the plan;
- 15) truss signs shall comply with NYS and Rockland County;
- 16) the fire alarm system is to be connected to 44 Control;
- 17) the location of the nearest fire hydrant is to be shown on the plan; and
- 18) if the hydrant is more than 600 feet, one shall be provided as per Section 507.5.1 NYS IFC.

8 It will difficult for a vehicle parked in space #3 to exit the space without a turnaround area. Several turning maneuvers will be required. A turnaround area must be provided so that vehicles do not have to back out into the roadway.

9 No sidewalks, stairways or entrances are shown on the site plan, making it difficult to assess the parking area in relation to pedestrian movement on site, or whether there will be safety issues for the residents. As noted in the Town of Ramapo Building, Planning & Zoning Department's December 16, 2016 denial letter, all sidewalks, stairways and entrances must be illustrated on the site plan so that safety issues can be properly evaluated. The Deputy Building Inspector also notes that the rear deck must be a minimum of seven feet above grade, and protected by a sprinkler, if it is part of the path of travel to a public way.

10 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

11 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
New York State Department of State

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Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

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

28 Collins Avenue, LLC

Rockland County Planning Board Members

**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.