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

April 11, 2017

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

Tax Data: 57.05-2-54

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 6/17/2016 **Date Review Received:** 2/22/2017

Item: ***80 DECATUR AVENUE SUBDIVISION (R-2589)***

Variances to permit a two-lot subdivision of .3735 acres in an R-15C zoning district. A semi-attached, three-family residence is proposed on each lot. The required variances for both lots include: lot area, lot width, side yard, street frontage, maximum development coverage and courtyard width.

East side of Decatur Avenue, approximately 270 feet south of Maple Avenue

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

The subject site is 16,259 SF, or 1,269 SF greater than the minimum lot area requirement for a detached, three-family residence. The applicant is proposing to create two undersized lots. Lot 1 will require an 18.75 percent variance for lot area; Lot 2 will require a lot area variance of 18.56 percent. Both lots are also deficient in meeting the R-15C lot width and street frontage requirements for semi-attached, three-family residences. This department is not in favor of creating non-conforming lots. The subject site shall not be subdivided. The proposal must be scaled back to more closely conform to the R-15C bulk requirements.

The following comments address our additional concerns about this proposal.

80 DECATUR AVENUE SUBDIVISION (R-2589)

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 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.

2 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line of the site. This area of Spring Valley is zoned R-2, a medium-density residential district characterized by one- and two-family dwellings. The maximum permitted residential density ranges from 4.84 units to 8.71 units per acre. The applicant is proposing a residential density of 16.06 units per acre or 1.84 to 3.32 times greater than the maximum permitted in Spring Valley's R-2 zone. 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.

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, the Town of Ramapo Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

7 It will be difficult for a vehicle parked in the eastern spaces (space #1 on each lot) to exit without a turnaround area. Several turning maneuvers will be required. A turnaround area must be provided.

80 DECATUR AVENUE SUBDIVISION (R-2589)

8 It will not be possible for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 2 and 3 on each lot. The dumpster enclosures must be moved to more accessible locations.

9 It is unclear why five separate entrances are shown for each three-family dwelling on the Layout Plan. An explanation must be provided.

10 The project narrative, last revised on June 17, 2016, indicates that a courtyard variance is required for both lots. This variance is also noted below the bulk table. The September 28, 2016 memorandum from the Town of Ramapo Building, Planning and Zoning Department does not include the courtyard variance. All application materials must be consistent. The public hearing notice must be reissued if it did not contain all required variances.

11 A vicinity map that includes a scale and north arrow must be provided on the layout plan.

12 The layout 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
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

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

80 Decatur Avenue Subdivision

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.