

**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*

August 22, 2017

Ramapo Planning Board  
237 Route 59  
Suffern, NY 10901

**Tax Data:** 57.05-2-54

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 7/10/2017

**Date Review Received:** 7/24/2017

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

A subdivision application to create two lots on 0.3735 acres in the R-15C zoning district. Variances have been granted for lot area, lot width, street frontage, side yard, maximum development coverage, and courtyard width. Semi-attached, three-family residences are proposed for each lot. Eastern 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:

***\*Recommend the following modifications***

1 Although the Ramapo Zoning Board of Appeals has approved the necessary variances, we believe this is an overdevelopment of the site as it is proposed. The subject site is 16,269 square feet, only 1,269 square feet greater than the minimum lot area for a detached, three-family residence and only 6,269 square feet greater than the minimum lot area for a semi-attached, three-family residence. The proposed lots 1 and 2 are deficient in size by 18.75% and 18.56%, respectively, and in lot width and frontage by 20%. In addition, the submitted plans for two semi-attached, three-family residences will require multiple additional variances. This department is not in favor of creating non-conforming lots, and given the number and scope of variances required, we recommend this application be modified. The number of units, footprint of the structure, and development coverage must be lowered to bring the property into greater compliance with the Town's regulations and the site's capacity for development.

The following comments address our additional concerns about this proposal.

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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 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.

3 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.

4 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

5 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

6 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained from them.

7 A review must be completed by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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8 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.

9 The proposed parking layout creates potential hazards for both pedestrians walking along the sidewalk and residents entering or exiting the building. The lack of a turnaround area will force vehicles to back out of the site, creating a dangerous situation for anyone using the sidewalk along the roadway. In addition, vehicles trying to maneuver out of the parking spaces, if backing into the center parking area, will conflict with residents using the interior walkways, creating a dangerous situation. The parking area must be reconfigured to eliminate these conflicts.

10 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.

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

12 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.

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

14 The application narrative states that each lot will have a maximum development coverage of 0.75 and a rear setback deck of 5 feet. The bulk table on the site plan states the maximum development coverage will be 0.60 and the rear setback deck will be 20 feet. All application materials must be consistent. The public hearing notice must be reviewed and, if incorrect, must be reissued.

15 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

16 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

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17 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

18 Map note #16 must be corrected to be "Suez".

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo  
New York State Department of State  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
  
Anthony R. Celentano P.L.S.  
Village of Spring Valley

*\*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.*