

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 2, 2017

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

Tax Data: 50.17-1-4

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

Map Date: 6/4/2017

Date Review Received: 7/7/2017

Item: *CONGREGATION SIMCHAS YISROEL (R-2607)*

Variances for total side setback, side yard (sidewalk), rear setback, maximum development coverage, deck rear setback, side setback (window wells and steps), total side setback (window wells and steps) and fence setback to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2916 acres in an R-15C zoning district.

North side of Vincent Road, approximately 520 feet northwest of Elish Parkway.

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 the northern property line of the site. This section of the Village is zoned R-1A, a low- to medium-density residential district characterized by one- and two-family detached dwellings. 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 shall be completed by the 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 50 percent increase over the maximum permitted development coverage, as well as several yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density on 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 the number of units must be reduced so that this proposal more closely conforms to the R-15C bulk standards.

4 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. Given that this site benefits from the application of Section 376-131, the building footprint and number of units shall be reduced to conform to Section 376-131, as well as the R-15C bulk standards.

5 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.

6 A review shall be completed by the Rockland County Sewer District # 1, and all required permits obtained.

7 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.

As shown, the proposed residential building will require a variance from the New York State Uniform Fire Prevention and Building Code since the proposed steps are located closer than ten feet to the property line. In addition, since no specific building height has been provided, it cannot be determined if the building is greater than 30 feet to the eaves. This information must be provided.

8 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 The Town of Ramapo Building, Planning & Zoning Department's June 29, 2017 denial letter includes 18 comments from the Fire Inspector that must be satisfactorily addressed.

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10 The project narrative and the bulk table indicate that side setback and total side setback variances are required for the window wells. However, window wells are not depicted on the site plan. All building features must be shown, particularly those that are not in conformance with the bulk standards.

11 Many of the site plan features are missing or are incomplete. A higher level of site plan detail is provided for the northern portion of the parcel, in which sidewalks, stairs and decks are illustrated. The same level of detail must be provided for the southern portion of the lot, illustrating all site features, such as the sidewalk, stair and deck locations. In addition, some of the lines depicting features abruptly end, such as for the sidewalk on the western portion of the lot, or the topography lines on the southern portion of the site. All features must be shown, and lines illustrating features completed.

12 All entrances, stairways and other building features must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

13 Since a building entrance or stairway is not shown on the south side of the residential structure, it is not possible to evaluate the parking lot configuration in relation to pedestrian movement on the site. A parking turnaround area must be provided to ensure that safe vehicular maneuvering is possible.

14 Aerial photography available to this department shows a sidewalk from Francis Place that traverses through Lots 50.69-2-67 and 50.69-2-68 and the subject site, and ends at Vincent Road. It is unclear whether this pedestrian connection will be maintained in the current proposal, as only a small portion of the unlabeled sidewalk is illustrated on the plans in the northwestern portion of the site. It must be clarified if the sidewalk will be maintained, and if so, then it must be clearly indicated on the site plan.

15 The location of the dumpster enclosure must be illustrated on the site plan. Access to the dumpster must be unimpeded by parked vehicles, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

16 The site plan shall contain map notes that list all appropriate information, including the district details.

17 The Town of Ramapo Building, Planning & Zoning Department's June 29, 2017 denial letter does not include the side setback variance for the stairs. This variance is specified on the bulk table and in the project narrative. The rear setback variance for the deck is noted on the bulk table and in the denial letter but not in the project narrative. All application materials must be consistent. The public hearing notice will have to be reissued if it did not contain all required variances.

18 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.

19 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.

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20 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

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

Congregation Simchas Yisroel

**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.