

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 16, 2017

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.09-1-35

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 12/15/2016

Date Review Received: 1/5/2017

Item: *DECATUR BNY, LLC (R-2111E)*

Two-lot subdivision of .42 acres in an R-15C zoning district. A semi-attached, three-family residence is proposed on each lot.

West side of Decatur Avenue, 500 feet south of Stephens Place

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 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 215 feet east of the site. This area of Spring Valley is zoned R-2, a medium density residential district. The maximum permitted residential density ranges from 4.8 to 8.7 units per acre. The applicant is proposing a residential density of 14.2 units per acre, or 63 percent greater than the maximum permitted in the 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 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.

3 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 buildings must be held to the requisite minimum standards and comply with all requirements of this code.

4 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector or the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

5 While the building footprint has been reduced and the accessory apartments eliminated, the development coverage still exceeds the permitted maximum by more than 27 percent. Yard and setback variances are also required indicating that the building footprints are still too large. The on-site parking area on Lot 2 is very constrained due to its proximity to the residential structure. The proposal must be scaled back to more closely conform to the R-15C bulk standards. Two-family residences must be considered.

6 As noted above, the on-site parking proposed on Lot 2 is awkwardly configured. The turnaround area is directly in front of the residential structure. It is unclear how future residents will gain entry to the building. The turnaround area is very shallow requiring drivers to execute several turning maneuvers to exit these spaces, particularly the eastern spot. The building footprint must be reduced to allow for a safer parking layout. Fewer units will require less parking.

7 The garbage enclosure serving the residential units on Lot 2 is located at the rear of the site and east of the parking spaces. It will be difficult for sanitation vehicles to access this area given the long narrow driveway and the lack of an appropriately sized turnaround area. Sanitation workers will be unable to empty trash receptacles if vehicles are parked in these spaces. The garbage enclosure must be relocated to a more accessible area.

8 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.

9 It appears that a two-family residence is proposed on Lot 1 despite the three-family label. The unit configuration must be clarified since it is different than what is shown on Lot 2.

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10 An updated review of the December 15, 2016 layout plan must be completed by the Rockland County Sewer District # 1. In addition, the applicant must satisfactorily address the conditions of the Sewer District # 1's October 28, 2015 letter.

11 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

12 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

13 There shall be no net increase in the peak rate of discharge from the site at all design points.

14 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

15 While the subdivision plan includes labels indicating that ingress/egress and utility easements will be provided from Lot 1 to Lot 2, the easement areas are not clearly defined. The ingress/egress and utility easements will reduce the useable land area for Lot 1; therefore additional variances may be required. All easement areas must be illustrated on the plans and filed with the subdivision deed.

16 The vicinity map parcels are outdated. A 25-foot right-of-way is shown to the west of the site. This is inaccurate. The vicinity map must be updated to reflect the latest information.

17 A north arrow and scale must be provided on the vicinity map.

18 Any additional variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law

19 Map Note 30 must include the date on which the ZBA granted variances.



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
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Civil Tec Engineering & Surveying PC
Village of Spring Valley

Decatur BNY, LLC

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**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.