

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 5, 2017

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

**Tax Data:** 50.17-1-46

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

**Map Date:** 8/17/2016

**Date Review Received:** 5/5/2017

**Item:** *PERETZ KLEIN (R-2289A)*

Variances for total side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of an addition to and the conversion of a single-family residence to a three-family dwelling with three accessory apartments on .2704 acres in an R-15C zoning district. The undersized parcel is subject to Section 376-131 D.(1).

North side of Elish Parkway, 90 feet west of Neil Road and 250 east of Vincent Road.

### **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 Spring Valley municipal boundary is 190 feet north and 300 feet east of the subject site. An R-1A (low-density residential) zoning district is located to the north; an R-2 (medium-density residential) zoning district is located to the east. 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; the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and such other measures as may relate to the public convenience, to governmental efficiency, and to achieving and maintaining a

## **PERETZ KLEIN (R-2289A)**

satisfactory community environment. 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 proposed use.

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 applicant is seeking a 40 increase over the maximum permitted development coverage, as well as several yard and setback variances. The ability of the existing infrastructure to accommodate residences of this size 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 this increased residential density.

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

4 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.

5 The Town of Ramapo Building, Planning & Zoning Department's March 9, 2017 denial letter includes 19 comments from the Fire Inspector that must be satisfactorily addressed.

6 It will difficult for vehicles parked in spaces 3 and 4 to maneuver out of these spaces without a turnaround area. The proximity of the existing staircase and porch is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A turnaround area must be provided so that vehicles can safely maneuver and do not have to back out into the roadway.

7 All proposed entrances, stairways, areaways and sidewalks must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

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

9 Both the March 9, 2017 denial letter from the Town of Ramapo and the March 10, 2017 project narrative state that a street frontage variance is required but do not reference a rear setback variance. The bulk table includes a variance for rear setback but not street frontage. All application materials must be consistent. The public hearing notice must be reissued if did not contain all required variances.

10 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.

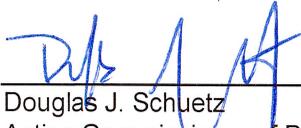
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11 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.

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

13 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.

14 As required under Section 239-m 6. of the State General Municipal Law, within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

- cc: Deputy Supervisor Yitzchok Ullman, Ramapo  
Rockland County Department of Health  
Rockland County Drainage Agency  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
Rockland County Department of Highways  
  
Village of Spring Valley  
Construction Expediting, Inc.  
  
Peretz & Susan Klein

*\*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.*

