

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 20, 2017

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

Tax Data: 57.05-1-47

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

Map Date: 12/27/2016

Date Review Received: 6/9/2017

Item: *HERSHEL LANDAU (R-2602)*

A variance application for lot area, lot width (Decatur Avenue), front setback (First Street & Decatur Avenue), front yard (First Street & Decatur Avenue), side setback, rear setback, rear deck setback, maximum development coverage, F.A.R., and less than the required parking stall width, for a proposed three-family residence with three accessory apartments on 0.21 acres in the R-15C zoning district. Southeast corner of First Street and Decatur 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 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 290 feet east of the site. This area of Spring Valley is zoned R-2, a medium density residential district, characterized by one- and two-family residences. The permitted density ranges from five to eight units per acre. The applicant is proposing 29 units per acre. 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.

HERSHEL LANDAU (R-2602)

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 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. The applicant is proposing a development that exceeds the maximum development coverage by 30%, and a generous floor area ratio by 10%. In addition, the lot area is deficient by 40% and many yard and setback variances are required. 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 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 As indicated in the March 15, 2017 denial letter from the Town of Ramapo Building, Planning and Zoning Department, the Fire Inspector raises 19 issues that must be addressed.

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

6 A six-car garage is proposed for the site. Schematics must be provided to illustrate the layout of the garage. This must include parking space widths, columns, and the location of the access to the garage. Without this information, it is difficult to determine if the six-car garage, as designed, will be feasible to use. Turnaround areas must also be provided so that vehicles do not have to back out into the public right-of-way. In addition, it must be noted on the site plan that the garage space may only be used for its intended purpose, and not converted to living space.

7 The March 15, 2017 denial letter specifies that a variance is required for parking stall width. This variance is not included in the bulk table. All application materials must be consistent. The public hearing notice will have to be reissued if it did not contain all required variances.

8 Only one deck is shown for the proposed six-family dwelling. All proposed entrances, decks, exit stairways, and dumpster/refuse containment areas must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site. If sidewalks are proposed, they must also be shown on the plans.

9 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.

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

HERSHEL LANDAU (R-2602)

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

12 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.

13 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.

14 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 Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of State
Spring Valley Fire District

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

**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.

