Rockland County

Ed Day, Rockland County Executive

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

May 4, 2017

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

Tax Data: 50.17-1-3

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 4/4/2017 **Date Review Received:** 4/5/2017

Item: ***LAUBER (25 VINCENT ROAD) (R-1517B)***

Variances to permit the construction of a three-family dwelling, with three accessory apartments, on a .29-acre parcel located in the R-15C zoning district. Required variances include: front setback, front yard, total side setback, rear setback, maximum development coverage, and rear yard (deck). The site plan also notes that a variance is required for the court yard.

North side of Vincent Road, approximately 400 feet north and east of Suzanne Drive

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 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 rear setback is deficient by over 33%, the total side setback is deficient by more than 30%, the maximum development coverage is exceeded by 30%, and the rear yard for the deck is 50% less than required. 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. The size of the building and the number of units must be reduced so that all bulk requirements can be met.

LAUBER (25 VINCENT ROAD) (R-1517B)

2 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All stairs and window wells must be shown on the map to ensure that there is sufficient access to the building for firefighting purposes. It cannot be determined if the proposed addition and existing building will require a variance from the New York State Uniform Fire Prevention and Building Code since these features have not been provided.

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 It will be difficult for a vehicle parked in spaces #1 and #6 to maneuver out of the space without a turnaround area. Since no stairs are shown on the plans, it is difficult to determine if any potential exists for traffic conflicts between pedestrians and vehicles. The eastern sidewalk ties directly into parking space #6, instead of being adjacent to it. A turnaround area must be provided so that vehicles do not have to back out into the roadway, stairs illustrated to determine any impact on the parking area, and the sidewalk realigned so that it does not end into a parking space.

5 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is directly north of the subject site. 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 county-wide 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 which 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.

6 As indicated in the January 23, 2017 letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises 20 comments that must be addressed. In addition, the letter notes that all egress doors, stairs and ramps must be shown on the site plan; the elevations at the lowest point of fire department access and the highest eave and finished floor must be noted; the hot box location must be illustrated; the five foot shade tree easement drawn, and screening for the parking area provided.

7 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.

LAUBER (25 VINCENT ROAD) (R-1517B)

8 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.

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

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

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

12 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

13 The location of the trash dumpster/refuse container must be illustrated on the site plan. It appears that the dumpster is to be located somewhere behind the eastern parking spaces. Access to the dumpster must be unimpeded, and it must be demonstrated that its location will not impact yard requirements and parking maneuverability for the site.

14 A footnote under the Bulk Table indicates that a variance for court yard is required. Neither the narrative or the January 23, 2017 Denial Letter from the Town of Ramapo Building, Planning & Zoning Department indicate that this variance is required. It must be clarified if this variance is required. If the variance is required, then the Town must review the public hearing notice to ensure that all of the required variances are stated correctly for this application, and be re-issued if it did not.

Douglas J. Schuetz
Acting Commissioner of Planning

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

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.

LAUBER (25 VINCENT ROAD) (R-1517B)

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.