

DEPARTMENT OF PLANNING

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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: 56.08-5-17

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

Map Date: 1/19/2017

Date Review Received: 4/5/2017

Item: MYM MANAGEMENT - 6 MONSEY BOULEVARD (R-723A)

Variations for greater than permitted floor area ratio and less than the required distance (75') to an intersection, for a proposed two-lot subdivision of .574 acres in the R-15C zoning district, and the construction of two semi-attached, three-family residences plus three accessory apartments.
West side of Monsey Boulevard, opposite Sunrise 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 maximum floor area ratio is exceeded by 11%. 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 buildings must be reduced to eliminate the need for the variance.

2 A five-foot wide shade tree easement is not indicated on the site plan. The Town must confirm whether Section 258-3 (the shade tree easement requirement) applies to this proposal. The Director of Public Works shall determine if it is possible to plant one tree for every 40 linear feet of shade tree easement as required in Section 258-3 of the Town Code.

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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 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.

5 It will be difficult for a vehicle parked in the westernmost spaces to maneuver out of the space without a turnaround area. The proximity of the sidewalk are also concerns. The potential for traffic conflicts between pedestrians and vehicles is great. A resident walking on the sidewalk will be directly parallel and behind any vehicle exiting the parking spots. A turnaround area must be provided so that vehicles do not have to back out into the roadway.

6 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 455 feet south of the 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.

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.

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

9 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.

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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 Vicinity Map must contain a scale and north arrow.

12 Map Note #9 must be updated to reflect that the current application is for variances before the Zoning Board of Appeals, and not a subdivision. The Section of the Law referenced must be changed to Section 239I & m.

13 Map Note #16 must be updated to reflect that Suez is the water supplier.



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 Office of Fire and Emergency Services
Monsey Fire District
New York State Department of State

Civil Tec Engineering & Surveying PC
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.

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.

