



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 2, 2017

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

Tax Data: 50.17-2-20

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

Map Date: 8/31/2011

Date Review Received: 5/5/2017

Item: *PARK-SPIRA, LLC./1 PARK STREET (R-2540B)*

Variances for front setback (Park Street and Twin Avenue), front yard (Park Street and Twin Avenue), side setback and rear setback to permit the continued construction of a three-family dwelling on .1531 acres in an R-15C zoning district. The addition of a staircase and window wells necessitates these variances. Previously granted variances include lot area, lot width, front setback and front yard (Park Street and Twin Avenue), rear setback and maximum development coverage.

Northeast corner of Park Street and Twin 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 approximately 155 feet south and 275 feet east of the subject property line. 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 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 front setback and front yard along Park Street are now deficient by more than 73% due to the placement of the stairs, and the side and rear setbacks are now deficient by 30% and 78% due to the addition of the window wells. In addition, the maximum development coverage is exceeded by 50%. The ability of the existing infrastructure to accommodate increased residential density on undersized, nonconforming 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.

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.

As shown, the proposed residential building will require a variance from the New York State Uniform Fire Prevention and Building Code since the proposed window wells are located closer than ten feet to the property line. In addition, since the building height is listed as 35 feet, the applicant may have to provide an aerial apparatus road if the building is greater than 30 feet to the eaves.

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

5 Section 376-131D addresses non-complying lot requirements. The lot is 11% smaller than required in the R-15C zoning district, using the less restrictive lot area requirement of 7,500 sq. ft. The applicant is proposing the highest housing type, a three-family residence, that requires multiple variances for front yards, setbacks, rear setback and maximum development coverage. The floor area ratio is at the generous permitted standard of 90%. The addition of the stairs and window wells only exacerbate the yard deficiencies, and in fact the proposal does not now meet the Fire Code of New York State. The number of units and the the building footprint must be reduced so that the proposed residence can fit on the site without the need for any variances.

6 The driveway access and required on-site parking must be shown on the site plan.

7 All proposed building entrances, decks, 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 The location of the trash dumpster/refuse container must be illustrated on the site plan. 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.

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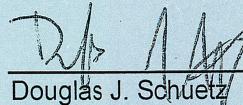
9 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

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

11 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.

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

13 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.



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
Spring Valley Fire District
Rockland County Department of Highways

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

Park-Spira, LLC.

**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.

