

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 31, 2017

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

Tax Data: 56.08-5-24

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

Map Date: 4/26/2017

Date Review Received: 7/6/2017

Item: JUDAH RABI - VARIANCES FOR 3-FAMILY RESIDENCE W/3 ACC. APARTMENTS (R-2609)

A variance application for the front setback, front yard, side setback, total side setback, side yard, rear setback, rear setback deck, and maximum development coverage, to allow a 3-family residence with 3 accessory apartments on 0.34 acres in the R-15C zoning district.

Eastern side of Walter Drive, approximately 225 feet south of Edwin Lane.

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. This application proposes reducing the front yard and front setback by 17%, the side setback by 50%, the total side setback by 75%, the side yard by 80%, the rear setback by 57%, the rear deck setback by 50%, and exceeding the maximum development coverage by 40%. 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.

2 The large number and scope of the requested variances, along with the challenges presented by the proposed parking layout, suggest a general overdevelopment of the site. In order to bring the use of the property more in line with its capacity to be developed, the number of units must be reduced.

JUDAH RABI - VARIANCES FOR 3-FAMILY RESIDENCE W/3 ACC. APARTMENTS (R-2609)

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.

4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks, stairs, and entrances must be shown on the map to ensure that there is sufficient access to the building for firefighting purposes.

5 In the June 29, 2017 letter from the Town of Ramapo, the Fire Inspector lists 19 comments that must be satisfactorily addressed.

6 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.

7 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 290 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Spring Valley must be given the opportunity to review the proposed variance and provide any concerns related to the project to the Town of Ramapo.

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

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

10 As stated in the narrative and shown on the site plan, a variance for side setback appears to be required, yet is not indicated in the Town of Ramapo Building Department's denial letter dated June 29, 2017. 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 was not.

11 A reduction of the side yard requirement from 5' to 1' has been requested, but this measurement is not shown on the site plan indicating the need for this reduction. If this reduction is necessary, the site plan must be amended to indicate what is being proposed. If the reduction is not necessary, the bulk table must be revised, and 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 was not.

12 It will difficult for a vehicle parked in spaces #3 or #4 to maneuver out of the space without a turnaround area. No sidewalks, stairs, or exits have been shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there would be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs, walkways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

JUDAH RABI - VARIANCES FOR 3-FAMILY RESIDENCE W/3 ACC. APARTMENTS (R-2609)

13 No trash enclosure is shown on the site plan. The site plan must be amended and the enclosure located in a manner that provides full access without impeding parking or emergency vehicles.

14 To reduce the extent of the maximum development coverage variance, pervious pavers must be used.

15 The site plan shall contain map notes, including district information.

16 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.

17 There shall be no net increase in the peak rate of discharge from the site at all design points.

18 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

19 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.

20 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
New York State Department of State
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Monsey Fire District
Rockland County Drainage Agency

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

JUDAH RABI - VARIANCES FOR 3-FAMILY RESIDENCE W/3 ACC. APARTMENTS (R-2609)

**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.