

## 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:** 56.08-5-37.1

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

**Map Date:** 9/12/2016

**Date Review Received:** 4/5/2017

**Item:** *ROSENGARTEN - 15 WALTER DRIVE (R-2594)*

Variances to permit an addition to an existing structure located on .344 acres in the R-15C zoning district. This lot is part of a three-lot subdivision that occurred, and now contains three condominium units. This lot will contain a total of a three-family dwelling with three accessory apartments. Required variances include: front setback, front yard, side setback, total side setback, side yard, rear setback, street frontage, and maximum development coverage.

West side of Walter Drive, approximately 350 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. The side setback is deficient by over 33%, the total side setback is deficient by 50%, the side yard and rear setback standards are undersized by 60% and over 71% respectively, and the maximum development coverage is exceeded by 30%. 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 addition and additional unit must not be permitted.

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2 The site plan submitted with the application states "proposed previously approved and built not located" for the northernmost addition to the structure. The exact location of this portion of the building must be provided so that it can be determined if any other variances are required. The decks, window wells, sidewalks, and other features must also be provided for this section.

3 A five-foot wide shade tree easement has been shown on the site plan, but it has not been demonstrated where the trees can be placed. It appears that parking spaces 1 and 4, the southerly driveway, and the 10-foot wide sanitary sewer easement are partially located within the five-foot shade tree easement area. The Director of Public Works shall determine if it is still possible to plant one tree for every 40 linear feet of shade tree easement as required in Section 258-3 of the Town Code.

4 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.

5 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks, stairs, decks, 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.

6 It will be difficult for a vehicle parked in spaces #3 and #6 to maneuver out of the space without a turnaround area. The proximity of the staircase and the sidewalk are also concerns. The potential for traffic conflicts between pedestrians and vehicles is great. As shown, parking space #6 is located over the existing sidewalk, and no alternate sidewalk is shown. A resident descending the stairs will walk directly behind the parked vehicle. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs should be re-oriented so that they do not descend directly into the parking area, behind a parked vehicle, and the sidewalk re-aligned.

7 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 96 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.

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8 As indicated in the January 19, 2017 letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises 20 comments that must be addressed.

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 County of Rockland Sewer District #1 and all required permits obtained.

11 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. We are especially concerned about emergency access to the proposed addition in the southern corner of the property.

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

  
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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  
New York State Department of State  
Monsey Fire District  
  
A. R. Celentano P.E.  
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.*

