



## **SAPPHIRE II (R-2412A)**

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 applicant is proposing a lot area for both parcels that is 60 percent less than the required minimum. The lot width will be deficient by 50 percent and the street frontage by 41 percent. The parent parcel currently complies with these standards. The development coverage on both lots will exceed the permitted maximum by 30 percent. Several yard and setback variances are also required for the proposed residential buildings. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming parcels is a countywide concern and must be evaluated. In this case, the non-conformity will be increased by subdividing the parent parcel. The subdivision must be denied. The Town's 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 Planning Board must consider the cumulative and regional impacts of permitting such development. A more closely conforming proposal must be submitted for the .2755-acre parcel.

2 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

3 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 150 feet south and 170 feet east of the site. This area of the Village is zoned R-2, a medium-density residential district characterized by one- and two-family residences. The maximum permitted residential density ranges from 4.84 to 8.71 units per acre. The applicant is proposing a residential density of 29 units per acre. 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.

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.

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 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.

6 The applicant must comply with the conditions of the Rockland County Health Department's October 24, 2017 letter.

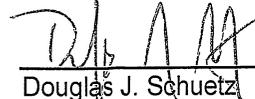
7 An updated review of the October 16, 2017 drawings must be completed by the Rockland County Sewer District # 1, and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's September 12, 2017 letter.

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- 8 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- 9 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 10 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.
- 11 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 12 The dumpster enclosure is more than 25 feet from the parking area. It is unclear how sanitation workers will be able to empty the dumpster given this distance. Is a dumpster proposed or smaller trash receptacles? Clarification must be provided.
- 13 It will difficult for vehicles parked in space #1 on both lots to maneuver out of these spaces given the proximity of the residential structures. A turnaround area must be provided so that vehicles do not have to back out into the roadway.
- 14 Is space # 1 on each lot a handicapped space with the cross-hatched area serving as an access aisle? Is this a feasible configuration given the proposed decks with no posts? The elevation of the decks must be indicated to ensure that ample head-room is provided.
- 15 All proposed entrances, stairways, window wells and decks must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.
- 16 The line of rectangles shown along the northern property line of the southern lot must be labeled as a retaining wall.
- 17 A five-foot wide shade tree easement is not indicated on the subdivision plan. Since this is a subdivision proposal, Section 258-3 (the shade tree easement requirement) is applicable. It appears that parking space # 4 on both lots is 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.
- 18 Map Note # 16 must be corrected to indicate that water will be supplied by SUEZ rather than United Water.
- 19 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.
- 20 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.

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21 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.



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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo  
Rockland County Drainage Agency  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
  
Anthony R. Celentano P.E.  
Village of Spring Valley

Raizy Goldstein

Rockland County Planning Board Members

*\*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.*