

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

June 21, 2018

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

Tax Data: 50.17-2-31

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

Map Date: 3/28/2018

Date Review Received: 5/18/2018

Item: *MONSEY DEVELOPERS & BUILDERS, INC. (R-2647)*

Variations for lot area, lot width, rear setback, street frontage, maximum development coverage and deck rear setback to allow a two-lot subdivision of .3578 acres in the R-15C zoning district, and the construction of a semi-attached, three-family residence on each parcel.

South side of Park Street, approximately 230 feet east of Twin Avenue

Reason for Referral:

Village of Spring Valley, Pascack Brook

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:

****Disapprove***

1 The subject site meets the minimum lot area standard of 15,000 SF required for a detached, three-family residence but the lot width and street frontage are deficient for that use. The applicant is proposing to create two undersized lots that will each contain a semi-attached, three-family dwelling. A lot area variance of 22 percent is required for both parcels. Additional non-conformities for the two lots include lot width, which is deficient by 48 percent for Lot 1 and 39 percent for Lot 2; and street frontage which is 60 percent less than required. The maximum development coverage is exceeded on both lots. In addition, significant variances are required for rear setback (67 percent deficient) and rear setback for the decks (50 percent deficient). The surrounding neighborhood is characterized by modest, single-family residences on parcels of less than 10,000 SF. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. A tripling of the residential density in this neighborhood of non-conforming parcels will negatively impact its community character. Additional residents will generate more traffic on the local streets. The potential for traffic conflicts is great. While semi-attached, three-family residences are permitted as of right in the R-15C zoning district, they are subject to stricter bulk requirements. This subdivision will result in two sites that are deficient in meeting these more stringent standards. We recommend that the subdivision and the required variances be denied.

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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. As indicated above, significant variances are required for lot area, lot width, rear setback, street frontage and deck rear setback. 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 subdivision shall not be permitted; the requested variances shall be denied. The proposal must be scaled back to more closely comply with the R-15C bulk standards.

The following comments address our additional concerns about this proposal.

3 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the eastern and southern property lines 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 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 A review shall be completed by the Rockland County Drainage Agency, and all required permits obtained.

5 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.

6 A review shall be completed by the Rockland County Sewer District #1, all required permits obtained.

7 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 buildings must be held to the requisite minimum standards and comply with all requirements of this code.

8 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 Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 All proposed building entrances, stairways, decks and window wells must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site.

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- 10 It will be difficult for vehicles parked in space 3 on both lots to maneuver out of the space without a turnaround area. No exterior stairways or building entrances are shown on the site plan, making it difficult to assess the parking area in relation to pedestrian movement on the site, and whether there will 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 exterior stairways or building entrances must be illustrated on the site plan so that safety issues can be properly evaluated.
- 11 A shared driveway is proposed that straddles the property line. Cross easements will be required for access and egress. The easements must be indicated on the Layout Plan.
- 12 It will be difficult for sanitation workers to access the dumpster enclosure on Lot 1 if a vehicle is parked in space 1, and on Lot 2 if vehicles are parked in spaces 2 and 3. The dumpster enclosures must be moved to more accessible locations.
- 13 The bulk table indicates that a variance is required on each lot for deck rear setback. These variances are also included in the Town of Ramapo Building, Planning and Zoning Department's April 2, 2018 denial letter. Since decks are not shown on the Layout Plan, it is not clear whether the variances are actually required. This must be clarified.
- 14 Variances for less than 50 percent attached and courtyard width are indicated on the bulk table. These variances do not appear to be required, as also noted in the aforementioned denial letter. The bulk table must be corrected.
- 15 The Layout Plan shall contain map notes that list all appropriate information, including the district details.
- 16 A vicinity map must be provided on the Layout Plan. It shall include a scale and a north arrow.
- 17 The Layout Plan includes a line that parallels the northern property line. It is unclear what it represents. There are also two lines shown across the southern portion of the site. Is one a fence? What does the line with dots signify? An explanation must be provided in the form of a map legend.
- 18 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.
- 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.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, 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
Spring Valley Fire District

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

Monsey Developers & Builders, Inc

Mona Montal, Chief of Staff
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.