Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 30, 2018

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

Tax Data: 57.09-1-56

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 3/9/2015 **Date Review Received:** 1/5/2018

Item: ***MARVIN RUBINSTEIN/6 HERRICK AVENUE (R-2630)***

Variances for front setback, front yard, side setback, total side setback, rear setback, maximum development coverage and deck rear setback to permit the construction, maintenance and use of a three-family dwelling with one accessory apartment on .2583 acres in an R-15C zoning district.
East side of Herrick Ave, approximately 165 feet north of West Central 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 GML referral form, the application form and the title block on the site plan specify that a three-family dwelling with one accessory apartment is proposed. The structure is labeled as such on the site plan. However, six separate stairways and six parking spaces are depicted on the drawing, indicating more than four units. The December 21, 2017 project narrative, the bulk table and the Building Department's November 27, 2017 denial letter indicate that the proposal is for a three-family dwelling with three accessory apartments. The denial letter references an earlier map date than what was included in this submission. All application materials must be consistent. We caution the Town against accepting applications with multiple inconsistences, as well as forwarding erroneous applications for our review. Resolving application information discrepancies is not the best use of Town or County staff time. The number of accessory apartments must be clarified. The public hearing notice will have to be reissued if it contained inaccurate information.

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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. The applicant is seeking a 50 percent increase over the allowed maximum development coverage. The ability of the existing infrastructure to accommodate increased residential density on undersized, non-conforming 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 building footprint must be reduced and fewer units permitted, so that the proposal more closely conforms to the R-15C bulk requirements. If only one accessory apartment is proposed, two of the six parking spaces must be eliminated. This will reduce the development coverage.

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

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

5 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. The Ramapo building inspector notes in the November 27, 2017 denial letter that NYS variances will be required for minimum side setback since stairs are proposed within ten feet of the property line.

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 All proposed building features including window wells and walkways 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.

9 It will difficult for a vehicle parked in space 3 or 6 to maneuver out of the space without a turnaround area. The proximity of the staircase to space 3 is also a concern. A resident descending the stairs will walk directly behind a vehicle in this space. The potential for traffic conflicts between pedestrians and vehicles is great. A turnaround area must be provided so that vehicles do not have to back out into the roadway. As noted above, if only one accessory apartment is proposed, two parking spaces can be eliminated allowing for a better parking area configuration. If more than four parking spaces are required, the stairs must be re-oriented so that they do not descend directly into the parking area, behind a parked vehicle.

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

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.

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12 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.

13 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 Michael B. Specht, 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

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

Marvin Rubinstein

Mona Montal, Chief of Staff

**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.