

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 26, 2019

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

Tax Data: 50.17-2-29

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

Map Date: 4/29/2019

Date Review Received: 7/12/2019

Item: 12 PARK STREET, LLC. (R-2556A)

Variance for floor area ratio to permit the conversion of a basement to a living space in a three-family dwelling with one accessory apartment located on 0.1599 acres in the R-15C zoning district. Variances for lot area, lot width, front setback, front yard, rear setback, street frontage, maximum development coverage and deck rear setback have previously been granted to permit the construction of said three-family dwelling with one accessory apartment.

East side of Park Street, approximately 185 feet south of Union Road

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:

****Disapprove***

1 Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 6,965 SF or almost 54 percent smaller than the minimum lot area required for new three-family residences in the R-15C zoning district. It is also deficient in meeting the reduced lot area requirement of 7,500 SF. As noted above, a substantial variance has already been granted for development coverage, as well as several yard and setback variances. The lot width and street frontage are additional non-conformities. We believe that granting a variance to permit the conversion of the basement to additional living space will set an undesirable land use precedent. Nearby property owners will seek the same relief resulting in larger than permitted residential units and increased population. The R-15C bulk standards are very generous, allowing for increased residential density in specific areas to create more housing units to fulfill the demand. If the Town believes that more liberal standards are necessary, they must undertake a comprehensive land use analysis of the R-15C zoning district, and amend the Zoning Code accordingly. Granting large bulk variances is not an appropriate land use planning tool and must only be used in limited circumstances. The more than 32 percent increase over the already generous maximum allowable floor area ratio of 0.90 must 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. 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 following comments address our additional concerns.

3 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern property line 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 An updated review must be completed by the County of Rockland Sewer District #1, and all required permits obtained.

5 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 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.

8 The specific building height must be indicated in the bulk table to determine if an aerial apparatus road is required.

9 It will difficult for a vehicle parked in space #3 to maneuver out of the space without a turnaround area. No dwelling 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 will be safety considerations for the residents. The proximity to the proposed walk is also a concern. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and dwelling exits must be illustrated on the site plan so that safety issues can be properly evaluated.

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10 The cross-hatched area on the site plan is labeled as a "drop-off area" and not for handicapped parking. It must be verified that parking space #4 is not a handicapped parking spot. If it is for handicapped parking, the dumpster enclosure may be difficult to access for sanitation workers and must be moved for safe and easy access.

11 The edge of the pavement is not defined in the eastern portion of the parking lot. This should be illustrated on the site plan.

12 The site plan must contain map notes that list all appropriate information, including the district information. The applicant's engineer has been personally reminded of this requirement. The present site plan is incomplete as provided.

13 The parcel should be centered on the vicinity map. The applicant's engineer has been reminded of the importance of this requirement. Not having the parcel centered defeats the purpose of a vicinity map.

14 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.

15 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.

16 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 Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of State,
Division of Code Enforcement & Administration
Anthony R. Celentano P.E.

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.*

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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.