Rockland County

Ed Day, Rockland County Executive

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 9, 2019

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

Tax Data: 56.12-3-24.1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 5/24/2019 **Date Review Received:** 6/3/2019

Item: ***YITCHOK ALTMAN/533 WEST CENTRAL AVENUE (R-1794F)***

Variances to permit the construction of a semi-attached, three-family dwelling with three accessory apartments on 0.32 acres in the R-15C zoning district. The variances requested are for rear setback, rear deck setback, street frontage, development coverage, and court yard dimensions.

South side of West Central Avenue, approximately 220 feet west of Adar Court

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 This department is of the opinion that the pole section of a residential flag lot should not be included in the minimum lot area calculation. In most instances, this land area serves an access function only, and provides no other benefit to the residents. The pole section of the subject site is approximately 3,600 SF. The remainder of the parcel is roughly 10,400 SF. The land area in the flag portion of the parcel exceeds the minimum lot area requirement. We believe the development coverage and floor area ratio (FAR) calculations should be based on this land area. As noted in the project narrative, a driveway will be installed for the whole pole section. While this impervious surface increases the development coverage, it also provides additional land area for determining the FAR. As a result, we believe the FAR specified in the bulk table is understated. Revised development coverage and FAR calculations must be provided using the lot area within the flag section. This will allow for a more accurate assessment of the proposal.

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 presented, the applicant is seeking a 27 percent increase over the maximum permitted development coverage. We believe a variance is also required for FAR if the "pole" portion of the site is not included in the lot area. 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 building footprint and the number of units shall be reduced to more closely comply with the requisite standards.

3 The applicant must comply with all comments made by the Rockland County District #1 in their letter of April 18, 2019.

4 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.

5 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is along the southern boundary 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.

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 It will be difficult for a vehicle parked in space #6 to maneuver out of the space without a turnaround area. No sidewalks, stairs, or 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 would be safety issues for the residents. A turnaround area must be provided so that vehicles have a safe area to back out, and the stairs, walkways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

9 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.

10 The project narrative indicates that the proposal is for three townhomes with an accessory unit in each townhouse. This type of residential structure is not permitted in the R-15C zoning district. The townhouse reference must be eliminated as it appears that a three-family dwelling with three accessory apartments is proposed.

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11 The site plan shall contain map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these details.

12 The subject site must be centered on the vicinity map. Locating the parcel on the edge of a vicinity map defeats the purpose of providing one.

13 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access to the dumpster.

14 Address information available to this department indicates that Lot 56.12-3-24.1 is 533 West Central Ave. The application form references 531 West Central Avenue. The Town's ZBA reference number for 56.12-3-24.1 is 4741 as per the GML referral form. The map includes a handwritten ZBA reference number of 4742. All application materials must be consistent. The address information must be clarified.

15 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.

16 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.

17 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
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

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.*

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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.