



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 5, 2019

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

Tax Data: 50.17-1-53

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

Map Date: 11/23/2018

Date Review Received: 1/29/2019

Item: *ELYA BRISK/16 VINCENT ROAD (R-2680)*

Variations for total side setback, side yard (sidewalk), rear setback, development coverage, deck rear setback, side setback (window wells), total side setback (window wells) and fence setback to allow the construction of a three-family dwelling with three accessory apartments on .3860 acres in an R-15C zoning district. A variance is also required from Section 376-78A to allow parking for more than four cars within 75 feet of an intersection. This non-complying parcel is subject to Section 376-131.D.1.

East side of Vincent Road, approximately 140 feet north of Elish Parkway

Reason for Referral:

Pascack Brook, 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 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 30 percent increase over the maximum permitted development coverage, as well as yard and setback variations ranging from 33 to 100 percent. The ability of the existing infrastructure to accommodate increased residential density on non-complying 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 R-15C bulk standards.

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2 Pre-existing, non-conforming lots are given special consideration under Section 376-131.D.(1) 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. While the subject site is 16,814 SF, and larger than the 15,000 SF minimum lot area required for new three-family residences in the R-15C zoning district, it is less than 100 feet wide. As a result, the relaxed standards apply. Given that this site benefits from the application of Section 376-131.D.(1), the proposed building footprint and number of units shall be reduced so that the requisite standards are achieved.

The following comments address our additional concerns about this proposal.

3 A review shall be completed by the Rockland County Drainage Agency, and all required permits obtained.

4 The Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 425 feet north 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.

5 A review must be completed by the Rockland County Health Department 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, and all required permits obtained.

7 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building 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 Monsey 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, exterior stairways, window wells and walkways must be delineated on the site plan demonstrating that they will not impact yard and setback requirements, or increase the development coverage. This is especially true for the subject site, as the bulk table indicates that the sidewalk and window wells do not meet the yard and setback standards. It is not possible to evaluate these deficiencies if the building features are not shown. An updated development coverage calculation must be provided to reflect all site features including sidewalks, staircases, etc.

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10 While a turnaround area is provided, the building entrances, exterior stairways, window wells and walkways are not shown on the site plan, making it difficult to assess parking maneuverability on the site. In addition, it is not possible to evaluate the parking area in relation to the pedestrian movement on site, and whether there will be safety issues for the residents. The turnaround area will not be sufficient if residents are stepping into it as they exit the building. All site plan features must be illustrated on the map so that safety issues can be properly evaluated.

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

12 The Building Inspector's November 23, 2018 denial letter indicates that a variance is required to allow parking for more than four cars within 75 feet of an intersection. This variance is included in the December 12, 2018 project narrative but is not specified in the bulk table. All application materials must be consistent. The public hearing notice must be revised and reissued if it did not include all required variances.

13 A frame shed is shown in the southeast corner of the site. It is referenced in the project narrative in relation to the rear setback measurement. However, its location is not 20 feet from any property line, and has not been included in the need for variances. The shed's final disposition must be clarified. If it is to remain, the bulk table measurements must be updated to reflect its location. The public hearing notice must be revised and reissued if it did not include all required variances.

14 Map Note 9 must be corrected to reflect that Section 239 L & M apply, as this is an application for variances not a subdivision.

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 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

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Anthony .R. Celentano P.E.
Village of Spring Valley

Elya Brisk

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.