



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

May 23, 2019

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

**Tax Data:** 56.08-5-34

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

**Map Date:** 12/20/2018

**Date Review Received:** 4/9/2019

**Item:** *HATZLACHA HOMES, LLC (R-2694)*

Variances for front setback, front yard, side setback, total side setback, rear setback, maximum development coverage and deck rear setback to allow the construction of a three-family dwelling with three accessory apartments on .3444 acres in an R-15C zoning district.

South side of Walter Drive, approximately 400 feet west of Monsey Boulevard

### 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 The subject site is compliant in meeting the R-15C minimum bulk standards for lot area, lot width and street frontage. The proposed building is deficient in meeting six setback and yard standards. The maximum permitted development coverage is exceeded by 40 percent due to the oversized building footprint and the parking spaces required for six units. A variance may also be required for floor area ratio. The need for the variances sought is self-created. A conforming structure can be designed. Fewer units will require fewer parking spaces thereby reducing the development coverage. The building footprint and the number of units must be reduced so the yard, setback and development coverage standards are achieved.

2 The surrounding neighborhood is characterized by similarly-sized parcels that meet the R-15C minimum lot area requirement. Granting the requested bulk variances to allow a larger than permitted residential structure and increased development coverage will set a precedent that may result in nearby property owners seeking the same relief. An abundance of non-compliant structures, increased residential density and excessive impervious surface area in this neighborhood of conforming parcels will negatively impact its community character. The proposal must be scaled back to conform to the R-15C bulk standards.

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3 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 noted above, a 40 percent development coverage variance is required for a conforming parcel. The ability of the existing infrastructure to accommodate oversized residential structures 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.

The following comments address our additional concerns about this proposal.

4 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.

5 The applicant must comply with the Rockland County Sewer District #1's letter of May 8, 2019.

6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. It appears that a NYS variance is required since the window wells are only five feet from the property lines.

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

9 All proposed building entrances, exterior stairways and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements or increase the development coverage. Parking maneuverability shall not be affected by the location of these features.

10 The development coverage calculation must be provided on the site plan so its accuracy can be verified.

11 Given the size of the building footprint, we believe the floor area ratio (FAR) is understated. The gross floor area must be indicated on the site plan, as well as the FAR calculation. If a variance is required for FAR, a revised ZBA application must be referred to this department for review as mandated by the New York State General Municipal Law.

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12 It will difficult for vehicles parked in spaces 1 and 6 to maneuver out of the spots without a turnaround area. No building entrances, exterior stairways and walkways are 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 issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway. The building entrances, exterior stairways and walkways must be illustrated on the site plan so that safety issues can be properly evaluated.

13 Parking space 3 is located partially within the shade tree easement area. This is another indication that too many units are proposed. All on-site parking must be provided in unencumbered areas.

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

15 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.

16 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.

17 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

18 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 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

Hatzlacha Homes, LLC.

Mona Montal, Chief of Staff  
Rockland County Planning Board Members

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*\*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.*