

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

December 9, 2019

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

Tax Data: 57.09-1-87

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/13/2019

Date Review Received: 11/1/2019

Item: *JUNE HOLDINGS, LLC (R-2703)*

Variations to permit the construction of a two-family dwelling located on 0.223 acres in the R-15C zoning district. The variations requested include front setback (West Central Avenue & Westside Avenue), front yard (West Central Avenue & Westside Avenue), rear setback, and rear setback deck.

Northwest corner of West Central Avenue and Westside 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:

****Disapprove***

1 Section 376-131D.(1) states that for all residential lots that have less than 100 feet of lot width, special bulk requirements, rather than the standard bulk requirements, apply. The lot width for this lot is 100.04 feet along Westside Avenue and 100.66 feet along West Central Avenue. Therefore, the lot is conforming in terms of lot width, and Section 376-131D.(1) does not apply, but rather, the bulk standards associated with Use Group x.1 are applicable for the proposed detached two-family dwelling. Many of the bulk standards for Use Group X.1 are stricter than what is currently indicated on the site plan, including lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, and street frontage. Because of this, additional variances will be required for the proposed two-family dwelling. A new application must be submitted and referred to the Rockland County Planning Department for the General Municipal Law review of these additional variances. This has been discussed with the Building Inspector.

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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 lot area is only 64.7% of the minimum requirement for detached two-family in the R-15C zoning district. 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 proposal must be scaled back to more closely comply with the R-15C bulk standards for Use Group x.1.

The following comments address our additional concerns about the proposal:

3 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.

4 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 327 feet south 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 county-wide 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 which 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 County of Rockland Sewer District No. 1, any comments or concerns addressed, and all 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 County of Rockland Office of Fire and Emergency Services, Town of Ramapo fire inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for emergency vehicles.

8 The note on the Denial Letter from the Building Department, dated September 12, 2019, states "A variance is required of Sec. 376-131-D-1 for Non-conforming Lots – Change note on plot plan." It is our understanding that only nonconforming lots with a lot width of less than 100 feet benefit from the application of reduced bulk standards. It must be clarified as to what this comment is referring to.

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

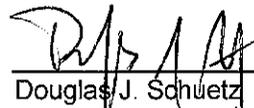
10 The site plan refers to the street along the eastern side of the property as West Side. This should be corrected to Westside Avenue.

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11 The site plan shall include map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of the importance of including such details.

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 Office of Fire and Emergency Services
Rockland County Sewer District #1
Monsey Fire District

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

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.

