Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING
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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 28, 2019

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

Tax Data: 56.08-5-30

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 7/18/2019 **Date Review Received:** 8/7/2019

Item: ***MENDEL & MALKI KLAGSBRUN/1 WALTER DRIVE (R-581A)***

Variances to permit the construction of a two-family dwelling located on 0.345 acres in the R-15C zoning district. The existing single-family dwelling and driveway will be removed. The variances required include lot width (Walter Drive), front yard (Walter Drive & Monsey Boulevard), front setback (Walter Drive & Monsey Boulevard), side setback, rear setback, and development coverage.

Southwest corner of Walter Drive and 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:

Recommend the following modifications

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 front yard and front setback from Walter Drive are both deficient by 37%. In addition, the front yard and front setback from Monsey Boulevard provide only 71% of the required standards. The side setback is also deficient by 33% while the maximum development coverage is exceeded by 30%. The ability of the existing infrastructure to accommodate increased residential density that does not meet the bulk standards 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.

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2 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 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.

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

4 A review must be completed by the County of Rockland Sewer District #1, any comments or concerns addressed, and all required permits obtained.

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

6 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.

7 Parking space #1 appears to be located partially in front of the one car garage (parking space #2). This will prevent anyone from entering or exiting the garage if a car is parked in this space. The parking area must be reconfigured or parking space #1 must be redesigned so as not to block access to space #2.

8 The site plan indicates the garbage enclosure will be situated in front of a portion of the steps. This may impede ingress and egress to the front entrance and can pose safety issues to those walking on the steps. The garbage enclosure must be moved to a safer, accessible location.

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

10 Three separate entrances are shown on the site plan. An explanation must be provided, as only two units are proposed.

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

12 The site must be centered on the vicinity map so a more complete analysis of the area can be performed.

13 The GML referral form indicates that the parcel is in the R-15 zoning district. This must be corrected to the R-15C zoning district. All application materials must remain consistent.

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14 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.

15 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
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.*

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.