



**THOMAS & BERTHA KLEIN (R-2624A)**

more compliant subdivision layout is possible, as well as residential structures that better conform to the R-15C bulk standards. Under no circumstances shall two principle buildings be permitted on one parcel. The layout plan must be redesigned so that a maximum of one detached three-family dwelling and two detached three-family dwellings are proposed. The minimum lot width and street frontage shall be achieved for each lot. The required on-site parking shall be provided on each parcel. The extent of any required variances must be minimal so that a land use precedent is not set. Granting multiple variances of great magnitude will entice nearby property owners to seek similar relief, thereby changing the community character of the surrounding neighborhood.

2 While each lot is compliant in meeting the R-15C minimum bulk standards for lot area, rear yard, building height, building eaves, parking, and floor area ratio, many variances are still required for the proposal. Lot 1 is deficient in meeting six setback and yard standards while Lots 2 and 3 are deficient in meeting seven and five, respectively. The maximum permitted development coverage is exceeded by 49 percent for Lot 2 due to the oversized building footprint and the parking spaces required for six units on each lot. A courtyard variance and a 280A variance are also required. The need for the variances sought is self-created. While a three-family semi-attached residence, with three accessory units, is permitted as of right in the R-15C zoning district, it is apparent, given the magnitude and number of variances required for each lot to implement the proposal, that this site is not suitable for the proposed development. A conforming structure on a more conventionally designed subdivision can be constructed on each lot. We recommend that the variances requested be denied. The subdivision layout must be reconfigured and more compliant structures 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.

3 Two principle buildings on Lot 3 is a clear indication that this proposal is an overutilization of the site. Permitting a structure on the east side of Lot 3 to be attached to the residential building on Lot 1 and a second structure on the west side of Lot 3 to be attached to the building on Lot 2 only further exacerbates the overdevelopment of the two parcels. The subdivision as designed cannot result in conforming lots or structures that comply with the zoning ordinance, further evidence that the proposal is excessive. The resulting four semi-attached structures on three lots is not permitted and the variances to allow such, must not be granted. The development must be scaled back so that only one principle residential building is located on Lot 3. The elimination of the second structure will result in the reduction of the development coverage, provide room for parking on site, and better comply with the zoning regulations.

4 As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The lot width of the Lot 3 is 46 feet, therefore, only one accessory apartment is allowed. The second and third accessory apartments must be eliminated. This will allow for closer conformance with the R-15C bulk requirements. The required on-site parking will be reduced to four spaces resulting in a lower development coverage. A smaller building footprint will also be possible with fewer accessory units.

5 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 larger than permitted residential structures 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, stormwater runoff, and traffic. The proposal must be scaled back to conform to the R-15C bulk standards.

6 All materials provided with the application indicate the building on Lot 1 is to be detached. However, the site plan illustrates this building as being attached to two units on Lot 3. The application materials must be amended to indicate this building is semi-attached or the site plan must be corrected to show the building as detached. If this building is designed to be detached, the bulk table provided must be corrected, as detached three-family dwellings must conform to Use Group x.1 in the R-15C zoning district.

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7 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, multiple variances are required for each lot. Lot 1 is deficient in meeting the front setback and front yard standards by 43% and there is no rear setback when 30 feet is required. Lot 2 has no side setback, total side setback, or side yard when 10 feet is required for each; no street frontage is provided when 62.5 feet is required; only 58% percent of the required rear setback is provided; and the design only includes 50% of the rear deck setback. The maximum development coverage is also exceeded by 49% for this lot. Lot 3 is deficient in lot width by 26%, rear setback by 33%, and rear deck setback by 50%. No street frontage is provided for this lot, and a variance for two principle buildings on one lot is also required. Lastly, none of the handicapped parking spaces are in close proximity to the building entrances, and no sidewalk connection from the parking area to the building entrances is provided. 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 footprints must be reduced and fewer units permitted.

The following comments address our additional concerns about this proposal:

8 The Village Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern border 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 Villages 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 Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

9 A review must be completed by the County of Rockland Drainage Agency, any comments or concerns addressed, and all required permits obtained.

10 A updated review must be completed by the County of Rockland Sewer District No. 1. In addition, the applicant must comply with the comments of their letter dated April 16, 2019.

11 A letter from the Rockland County Sewer District No. 1, dated November 21, 2017, for a previous review of this property noted that the site is within an Environmentally Sensitive Area (ESA) as designated by the United States Environmental Protection Agency (EPA). Therefore, a waiver is required from the EPA and New York State Department of Environmental Conservation to permit a sewer connection for this property.

12 A review must be completed by the United States Environmental Protection Agency and all required permits obtained.

13 A review must be completed by the New York State Department of Environmental Conservation and all required permits obtained.

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- 14 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.
- 15 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 16 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.
- 17 The site plan indicates the utility pole located in the southwest corner of the site is to be relocated. A review must be completed by Orange and Rockland Utilities.
- 18 The site plan is difficult to read as presented. The proposed layout is underlain by the subdivision plat, as well as the existing conditions layer. Separate sheets for the subdivision plat and existing conditions shall be provided.
- 19 A legend with all symbols shown on the map must be provided. At present, it is unclear what many of the different lines represent.
- 20 If easements are represented on the map, the land area must be deducted from the gross lot area. The net lot area must be used in the floor area ratio and development coverage calculations.
- 21 A cross access easement is required as the driveway entrance to the parking area is over Lot 1. In addition, it appears that other easements exist over Lots 1 and 2 that must be noted and clarified. Can the entranceway to the site be located over existing easements? In addition, parking easements for Lots 1 and 3 must be provided as the proposal has one parking area that straddles parking spaces over all lots, but only a sufficient number is provided on Lot 2 for its residents. Lastly, the lot area for Lots 2 and 3 must account for the easement areas, and cannot be included in the net lot area.
- 22 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 23 Lot 1 has a very odd and unconventional configuration, with much of the long, narrow western section being located within an easement. As noted above, the subdivision must be reconfigured so that oddly shaped lots, with unusable areas, are not proposed.
- 24 It is unclear why the bulk table includes a note stating the floor area ratio is to be based on the gross lot area of the lots. If lot area deductions are required, the floor area ratio must be based on the net lot area. Clarification must be provided.
- 25 The letter from the Ramapo Building Inspector, dated April 18, 2019, does not state the need for the side yard and total side yard variances for Lot 2. This letter must be amended and the public hearing notice shall be updated and reissued if these variances were not included.
- 26 The proposed play area is insufficient for 18 families. Currently, it is squeezed into the 20 foot side yard. The play area must be relocated to a more ideal location with a larger, better designed layout.
- 27 The handicapped parking spaces (#16, #17, and #18) are too far from the building entrances. As mentioned previously, there are no sidewalks connections between the building entrances and the parking spaces. The handicapped parking spaces must be relocated to a closer proximate location with better building access, and sidewalks shall be provided from the spaces to the building entrances. The development coverage calculations must be adjusted for said sidewalks.

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28 It will be difficult for vehicles parked in space #15 to maneuver out of the spot without a turnaround area. A turnaround area must be provided so that vehicles may safely back out.

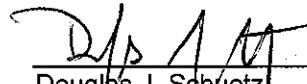
29 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in spaces #15 and #16. The dumpster enclosure must be moved to a more accessible location.

30 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.

31 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.

32 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.

33 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 Drainage Agency  
Rockland County Office of Fire and Emergency Services  
Rockland County Sewer District #1  
New York State Department of State  
Orange and Rockland Utilities  
United States Environmental Protection Agency  
New York State Department of Environmental Conservation  
Monsey Fire District  
  
Anthony R. Celentano P.L.S.  
Village of Spring Valley

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.*

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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.*