



# 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*

July 11, 2019

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

**Tax Data:** 56.12-2-28

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

**Map Date:** 1/25/2019

**Date Review Received:** 6/13/2019

**Item:** *ZEV & CHANIE LINKENBERG (R-1495E)*

Variations to permit the conversion of an existing two-family dwelling to a three-family dwelling with three accessory apartments and an addition to the existing building on 0.24 acres in the R-15C zoning district. The variations requested include front yard, front setback, rear setback, development coverage, and less than 50% attached as per Section 376-5.

West side of Adar Court, approximately 75 feet north of West Central 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:

### ***\*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. As presented, the applicant is seeking an 18.18 percent increase over the maximum permitted development coverage. 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 building footprint and the number of units shall be reduced to more closely comply with the requisite standards.

2 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 490 feet south of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Spring Valley must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Ramapo.

**ZEV & CHANIE LINKENBERG (R-1495E)**

- 3 A review must be completed by the County of Rockland Department of Health, all comments or concerns addressed, and all required permits and 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 All proposed building entrances, exterior stairways, window wells 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.
- 8 It will be difficult for a vehicle parked in space #1 or #6 to maneuver out of the space without a turnaround area. No sidewalks, stairs, or exits have been shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there would be safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the stairs, walkways, and exits must be illustrated on the site plan so that safety issues can be properly evaluated.
- 9 The new parking area is being proposed over the northern portion of the existing chainlink fence. In addition, the westernmost space is directly adjacent to and touching the proposed dwelling. The parking spaces must be relocated elsewhere on site, the building reduced in size, or the engineer must demonstrate how the parking will work in conjunction with these features to ensure that a safe pedestrian environment is continued. The chainlink fence may have to be relocated if the parking interferes with them.
- 10 The handicapped parking space must be labeled as such. Sidewalk connections from the space to the building shall be provided and illustrated on the site plan.
- 11 The location of the adjacent, attached residence must be provided so that a complete review can be done of the inter-relationship of the two residences.
- 12 If any dedication for gross lot area is need for the drainage easement, a lot area variance may be necessary. If that is the case, a variance application must be submitted and sent to this department for review as mandated by the New York State General Municipal Law. In addition, a new public hearing notice will have to be re-issued with the appropriate information.
- 13 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 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 The subject site must be centered on the vicinity map. Locating the parcel on the edge of a vicinity map defeats the purpose of providing one.

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17 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.

18 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.

19 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 Office of Fire and Emergency Services  
Monsey Fire District  
Rockland County Department of Health  
Rockland County Sewer District #1  
New York State Department of State  
  
Anthony R. Celentano P.E.  
Village of Spring Valley Zoning Board of Appeals

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.*

