

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 5, 2019

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

Tax Data: 50.17-2-4

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

Map Date: 10/17/2018

Date Review Received: 1/28/2019

Item: *TWIN TERRACE NY, LLC./67 TWIN AVENUE (R-2547A)*

Variations from Section 376-65C (maximum square footage of accessory unit) and Section 376-65D (accessory unit extends beyond building footprint), as well as a floor area ratio variance, to allow the construction of a three-family dwelling with one accessory unit on .1723 acres in an R-15C zoning district. The non-complying lot is subject to Section 376-131.D.1. Variations were previously granted for lot width, rear setback, street frontage and development coverage.

West side of Twin Avenue, opposite Park Street

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***

This department reviewed an application for variations for this parcel in 2016. At that time, a three-family dwelling with three accessory apartments was proposed. We considered the proposal to be an overutilization of the site and inconsistent with the community character of the surrounding neighborhood. We recommended that only one accessory apartment be permitted. We suggested that a smaller building footprint and fewer parking spaces would more closely conform to the R-15C bulk requirements.

While the current proposal is for fewer units, the proposed building is actually larger than the original submission. The depth of the front yard has decreased by more than 17 feet resulting in a constrained parking area. The structure is now rectangular in shape with the northwest section extended. As a result, the floor area has increased. A 20 percent variance for floor area ratio is now required. The bulk table indicates that the extent of the development coverage variance has decreased but that seems unlikely. This application is less compliant than the original proposal.

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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 ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. As noted above, the applicant is now seeking a 20 percent increase over the generous maximum allowable floor area ratio standard. The proposed square footage of the accessory unit exceeds the permitted maximum by 42 percent, and it extends beyond the footprint of the principal dwelling. 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. These additional variances shall not be granted. The floor area of the structure shall be reduced resulting in a building footprint that conforms to the R-15C standards.

2 Pre-existing, non-conforming lots are given special consideration under Section 376-131.D.(1) of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 7,505 SF or 50 percent smaller than the 15,000 SF minimum lot area required for new three-family residences in the R-15C zoning district. The lot width and street frontage require variances of 29 percent from the relaxed standards. Given that this site benefits from the application of Section 376-131.D.(1), the building footprint shall be reduced so that the requisite bulk standards are achieved.

The following comments address our additional concerns about this proposal.

3 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

4 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

5 The applicant must comply with the conditions of the Rockland County Drainage Agency's April 5, 2016 letter which indicates that this parcel is within its jurisdiction. Any required permits must be 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 Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Spring Valley 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 approximately 107 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.

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9 A development coverage calculation must be provided on the map. It is unlikely that the development coverage has decreased from .85 to .65 when the building footprint has increased. A floor area ratio calculation must also be provided. If an increased development coverage variance is required, as a result of the calculation re-review, the public hearing notice must be revised and reissued.

10 All proposed exterior stairways, decks and window wells 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. If the development coverage increases due to factoring in the missing features, an additional variance will be required. The public hearing notice will have to be revised and reissued.

11 The site plan is underlain by existing features making it difficult to read. A separate existing conditions map must be submitted, as well as a drainage plan. It is not possible to fully evaluate the requested variances on the current plan.

12 It appears that parking space 1 is located in the southeastern corner of the site. A vehicle parked in this spot will have to reverse behind spaces 2, 3 and 4 to exit the site. Vehicles parked in spaces 2 through 4 must back directly into the street as no turnaround area is provided on the site. The inadequate lot area available for parking also raises concerns about pedestrian safety. We believe the parking layout is dangerous, and access into and out of the site is difficult. A smaller building footprint will allow for a safer parking lot configuration. The parking area must be redesigned.

13 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 1 and 2. The dumpster enclosure must be moved to a more accessible location.

14 The height of the proposed retaining walls must be indicated on the map.

15 The site plan shall contain map notes that list all appropriate information, including the district details. It must also include a north arrow for the main drawing.

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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Rockland County Department of Health

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Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

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

Twin Terrace NY, LLC.

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.