



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 18, 2019

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

Tax Data: 57.18-2-2

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

Map Date: 9/18/2019

Date Review Received: 10/23/2019

Item: *VAN ORDEN, LLC (R-727A)*

Variations to permit the construction of a single-family dwelling located on 0.09 acres in the R-15 zoning district. The variations requested include lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, street frontage, maximum development coverage, and floor area ratio.

South side of Gerow Avenue, approximately 105 feet east of South Main Street

Reason for Referral:

South Main Street & Chestnut Ridge Road (NYS Route 45), Old Nyack Turnpike (CR 52), Village of Chestnut Ridge, 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 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 3,936 SF or 73 percent smaller than the 15,000 SF minimum lot area required for new single-family residences in the R-15 zoning district. Multiple substantial variations for yard requirements, maximum development coverage, and floor area ratio are also required. Given that this site benefits from the application of Section 376-131.D.(1) and still requires so many extensive variations, the required variations must be denied and the building reduced in size to better accommodate the undersized lot.

VAN ORDEN, LLC (R-727A)

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 74% deficient in meeting the required bulk standard. The lot width is only 52% of the required standard while the front setback and front yard are only 58% of the standards. The side setback is 50% deficient while the total side setback is 44% deficient. The rear setback is 63% of the required standard and the street frontage is 53%. In addition, the maximum development coverage and floor area ratio exceed the maximum standards by 10% and 125%, respectively. 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 size must be scaled back to better conform to the bulk requirements.

3 The Referral Form and project narrative state the proposed single-family dwelling is to be semi-attached. However, the site plan shows it as detached and the bulk table uses Use Group x.1, for detached single-family dwellings. It must be clarified whether the proposed dwelling is to be detached or semi-attached as these fall under different use groups and, therefore, must meet different bulk standards.

The following comments address our additional concerns about the proposal:

4 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

5 The Villages of Spring Valley and Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The municipal boundary of Spring Valley is 21 feet north of the site, in the centerline of Gerow Avenue. The municipal boundary of Chestnut Ridge is 412 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 Villages of Spring Valley and Chestnut Ridge 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 Villages of Spring Valley and Chestnut Ridge must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

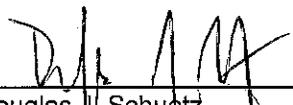
6 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of October 31, 2019.

7 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

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

VAN ORDEN, LLC (R-727A)

- 9 The required side setback is stated as 13 feet on the bulk table and 27 feet within the project narrative. The side setback requirement (as reduced per Section 376-131.D.(1)(b)) must be clarified. If the incorrect measurement was included in the public hearing notice, the notice must be reissued with the correct information.
- 10 The denial letter from the Town of Ramapo Building Department, dated September 10, 2019, specifies a maximum development coverage requirement of 55% for this lot. This should be corrected to 50%, as the lot must comply with use group x.1.
- 11 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. It appears that a New York State variance is required since the proposed structure is only five feet from the western property line.
- 12 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.
- 13 The parking/driveway area is very constrained. It will be difficult for a vehicle to maneuver around the corner of the building. The building footprint must be reduced to allow for safer vehicle maneuverability.
- 14 The bulk table on the site plan is missing a note that states a variance is required for street frontage for Lot 4. This must be updated and corrected.
- 15 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 16 Map note #7 must be changed to reference Section 239 l & m of New York State General Municipal Law as the application is for variances.
- 17 The site plan does not contain a north arrow (only the vicinity map does). This feature must be added to the site plan.
- 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.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1

VAN ORDEN, LLC (R-727A)

Monsey Fire District
New York State Department of State

Civil Tec Engineering & Surveying, PC
Villages of Chestnut Ridge and 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. 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.