



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

February 20, 2020

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 50.17-1-2

50.17-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 1/3/2020

Date Review Received: 1/14/2020

Item: 29 - 33 VINCENT ROAD SUBDIVISION (R-2624B)

Three-lot subdivision of two lots, with a semi-attached three-family dwelling with three accessory apartments on each lot. The two parcels are located on 0.75 acres in the R-15C zoning district. A front yard variance was granted for Lot 1. Variances for side setback, total side setback, side yard, and maximum development coverage were granted for Lot 2. Variances for lot width, number of principal buildings on a lot, and number of accessory apartments (Section 376-65G.) were granted for Lot 3. A 280A variance, as well as variances for street frontage and rear setback deck were granted for Lots 2 and 3. Variances for rear setback and access near street intersections (Section 376-78A.) were granted for all Lots.

Northeast side of the bend on Vincent Road, approximately 340 feet northeast of Suzanne Drive

Reason for Referral:

Village of Spring Valley, Pascack Brook

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 The combined lot area of the parent parcels is 32,776 SF or .75 acres. This assemblage can yield two conforming 15,000 SF lots; a detached three-family dwelling with three accessory apartments can be constructed on each parcel. Two conforming 10,000 SF lots are also achievable; a semi-attached three-family dwelling can be constructed on both parcels. Up to three accessory apartments are also permitted if the lot width is 75 feet or greater; only one accessory apartment is permitted if the lot width is less than 75 feet. Alternatively, the assemblage can yield three parcels, one or more of which will require a lot area variance. One detached three-family residence and two semi-attached dwellings are the only residential structures that can be constructed under the three-lot configuration. The maximum number of accessory units is dependent on the lot width of each parcel.

The proposed residential layout resembles a townhouse development with a shared parking lot and recreational space. This is not an allowed use in the R-15C zoning district and must not be permitted. As noted above, a

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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, use group x.3, minimum bulk standards for lot area, rear yard, building height, building eaves, parking, and floor area ratio, many variances were required for the proposal. Lot 1 is deficient in meeting three setback and yard standards, while Lots 2 and 3 are deficient in meeting nine and eight, 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 280A variance was 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. The proposed subdivision must be denied. The lot 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 are not permitted uses in the R-15C zoning district, and must not be allowed. 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 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 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 were 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 two principle buildings are proposed when only one is permitted. Lastly, none of the handicapped parking spaces are in close proximity to the building entrances, and only one sidewalk connection from the very north of 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.

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6 The surrounding neighborhood is characterized by similarly-sized parcels that meet the R-15C minimum lot area requirement. Permitting the subdivision and allowing 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.

The following comments address our additional concerns about this proposal:

7 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 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 Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

8 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed. In addition, a review must be completed by the County of Rockland Drainage Agency, any comments or concerns addressed, and all required permits obtained.

9 The applicant must comply with the comments made by the Rockland County Sewer District No. 1 in their letter of January 24, 2020.

10 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.

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

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

13 The applicant must comply with the comments made by the Rockland County Health Department in their letter of January 28, 2020.

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

15 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.

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- 16 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.
- 17 When our department previously reviewed the variances for this proposal on October 16, 2019, a courtyard variance was being sought. No indication has been made as to the status of this variance. It must be confirmed if this variance has been granted, or explained as to why it is no longer necessary, especially since the layout of the proposed buildings has not changed since we last reviewed this project.
- 18 The layout 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 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.
- 26 The handicapped parking spaces (#16, #17, and #18) are too far from the building entrances. In addition, there are no sidewalks connections between the building entrances and parking spaces #17 and #18. 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.
- 27 The parking area is located too far from the building on Lot 1 and the eastern building on Lot 3. This will encourage residents to park on Vincent Road, rather than in the parking area. This will create dangerous conditions along the road for both vehicles driving by and for residents trying to move to and from their vehicles. The parking area must be redesigned, with the required on-site spaces located on each lot so they are closer to the individual buildings. This will also eliminate the need for parking easements for Lots 1 and 3.
- 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.

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29 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in spaces #15 and #16. In addition, the location of the dumpster poses health risks as it is too far from any of the buildings for the residents to conveniently access. This may result in residents leaving their trash along Vincent Road, or scattered on the site. The dumpster enclosure must be moved to a more accessible location for residents and sanitation workers.

30 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. In addition, providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by residents, especially since only the minimum number of parking spaces are being provided.

31 The deck supports for the decks on Lots 2 and 3 are located too close to the parking area. This will create unsafe conditions that may result in vehicular accidents. The parking area must be reconfigured or the decks relocated to avoid any conflict.

32 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Standards for Urban Erosion and Sediment Control.

33 There shall be no net increase in the peak rate of discharge from the site at all design points.

34 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

35 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction

36 Map Note #2 states the area of the tract is 33,822 SF, or 0.77 acres. However, the lot area indicated on the bulk table for the three lots totals 32,776 SF, or 0.75 acres. The bulk table must include a net lot area calculation that indicates the specific lot area deductions. In addition, the Map Note must distinguish between gross lot area and net lot area.

37 The proposed use in Map Note #8 references a detached three-family dwelling. This must be corrected as the site plan does not include a detached dwelling.

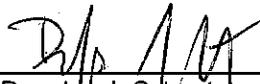
38 Map Note #16 indicates the property receives water service from United Water. This must be corrected to Suez.

39 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.

40 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.

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41 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
Monsey Fire District
New York State Department of Environmental Conservation
New York State Department of State
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
United States Environmental Protection Agency
Orange and Rockland Utilities

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. 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.