

**DEPARTMENT OF PLANNING**

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

September 25, 2020

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

**Tax Data:** 50.17-1-15

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

**Map Date:** 5/4/2020

**Date Review Received:** 8/28/2020

**Item:** *BRETON MARIE YONEL/14 NEIL ROAD (R-2721)*

Variations for front setback, front yard, side setback, total side setback, rear setback, development coverage, floor area ratio and deck rear setback to allow the construction of a three-family dwelling with three accessory apartments on .3597 acres in an R-15C zoning district.

West side of Neil Road, approximately 660 feet north of Elish Parkway

**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***

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. Though the subject site conforms to the minimum R-15C bulk standards for lot area, lot width and street frontage, variances are required due to the size of the proposed residential building and the number of units. The applicant is seeking 33.3 percent increase over the very generous maximum allowable floor area ratio standard of 0.90. A 30 percent increase over the maximum permitted development coverage is also sought. Several yard and setback variances are required for the oversized residence. The ability of the existing infrastructure to accommodate increased residential density in larger than allowed 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 footprint must be reduced and fewer units permitted to achieve greater compliance with the R-15C bulk standards.

The following recommendations address our additional concerns about the proposal.

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- 2 The applicant must comply with conditions of the Rockland County Health Department's letter of September 22, 2020.
- 3 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.
- 4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 5 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 access and maneuverability on the site, and in the cul-de-sac, for fire trucks, in the event an emergency arises.
- 6 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is along the western property line 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 of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
- 7 The Town must comply with the recommendations of the Rockland County Drainage Agency's September 17, 2020 letter.
- 8 It will be difficult for a vehicle parked in space 1 to maneuver out of the spot without a turnaround area. The proximity of the southernmost porch and staircase is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. No building entrances or sidewalks are shown on the site plan, making it difficult to fully assess the parking area in relation to the pedestrian movement on site, and whether there will be additional safety issues for the residents. A turnaround area must be provided so that vehicles do not have to back out into the roadway. All building features must be illustrated on the site plan so that safety issues can be properly evaluated.
- 9 It appears that parking space 6 is to serve as a handicapped spot given the striped access aisle to its west. The spot must be labeled as a handicapped parking space on the map and in the field.
- 10 All proposed building entrances, 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.
- 11 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 12 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations. An aerial apparatus road is required if the proposed building is greater than 30 feet to the eaves.

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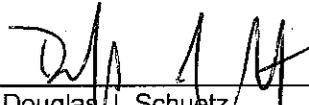
13 Additional information must be provided about the accessory apartments so it can be determined if they comply with the provisions of Section 376-65.

14 The map notes must be labeled as such. In addition, they should include parcel specific information such as lot area, zoning designation, owner, and existing and proposed use.

15 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.

16 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.

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

Anthony R. Celentano, PE  
Village of Spring Valley

Breton Marie Yonel

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.*

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*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.*