

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 28, 2020

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

Tax Data: 50.17-2-28

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

Map Date: 8/26/2019

Date Review Received: 7/14/2020

Item: *D PARK AVE, LLC (R-2662A)*

The applicant is seeking to add one accessory apartment to a three family dwelling on .157 acres in an R-15C zoning district. It will require variances for the unit size (greater than 1,500 SF and more than 50 percent of the principal building) and extending beyond the principal building. Variances were previously granted for lot area, lot width, front setback, front yard, rear setback, street frontage, maximum development coverage and deck rear setback. The residential structure is under construction.

East side of Park Street, approximately 120 feet south of Union Road

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 This department issued a GML review of the variances required for a three-family dwelling with one accessory apartment on October 25, 2018. We recommended that the variances be denied, and the building footprint and number of units reduced. The ZBA did not approve the accessory unit, limited the rear setback to 12 feet and reduced the development coverage to 65 percent. The parking layout was to be reconfigured at ARB. The deck was to be shifted to the southern corner of the building. The structure is under construction and some ZBA conditions have been violated. The bulk table does not reflect the ZBA conditions for rear setback or development coverage. The rear setback has not been increased. While a deck is now shown at the southern corner, a second deck is proposed at the northern corner. Given that the ongoing construction is in violation of the ZBA conditions, the current application for additional variances must be denied.

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2 The Town of Ramapo Building, Planning and Zoning Department's July 7, 2020 denial letter indicates that variances are required from Section 376-65C and D. These variances are also noted on the bulk table. The location of the proposed accessory apartment is not called out on the site plan so it is not possible to determine where it extends beyond the principal building or its square footage. This information must be provided as well as the floor area of the principal dwelling so that we can evaluate the extent of the non-conformance with Section 376-65.

3 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 6850 SF or 54 percent smaller than the minimum lot area required for new three-family residences on conforming parcels in the R-15C zoning district. It does not meet the reduced minimum lot area standard of 7,500 SF. The relaxed lot width and street frontage standards are also not achieved. Several yard and setback variances are required, and the development coverage exceeds the permitted maximum by 30 percent. Given that this site benefits from the application of Section 376-131. D.(1), we continue to recommend that the building footprint and the number of units be reduced to more closely comply with the applicable bulk standards.

4 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, nonconforming 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 proposal shall be scaled back so that extent of the required variances is reduced.

The following comments address our additional concerns about this proposal.

5 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is along the eastern 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.

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

7 An updated review of the August 26, 2019 site plan shall be completed by the Rockland County Sewer District #1, and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District's November 15, 2018 letter.

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

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9 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.

10 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 and parking maneuverability for the site.

11 It will difficult for a vehicle parked in space 3 to maneuver out of the space without a turnaround area. The bump out on the building facade will be an obstacle for a vehicle parked in this space. The building entrances are not clearly indicated on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there will 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 building entrances must be illustrated on the site plan so that safety issues can be properly evaluated.

12 A "pull in area" and "drop off area" are shown on either side of parking space 4. The "drop off" area is also labeled as a "blue striped area." Given that it is adjacent to a handicapped parking space, this area is likely the access aisle. This must be confirmed, and an explanation provided as to the need for and purpose of the "pull in" area. It is the size of a parking space which raises the question of whether additional units are planned. Clarification must be provided. We recommend that the parking area be reconfigured with two spaces on each side of the driveway thereby reducing the paved area and the extent of the development coverage variance.

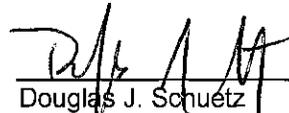
13 A curved line is depicted across the parking area, with two shorter lines at its eastern end; resulting in what appears to be an arrow. What do these lines represent? An explanation must be provided.

14 The site plan provided is very difficult to read as it is underlain by existing conditions, utilities, grading, drainage and landscaping details. Separate sheets must be provided for each so that the proposal can be properly evaluated.

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.



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

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Rockland County Office of Fire and Emergency Services
Spring Valley Fire District

Anthony R. Celentano P.L.S.
Village of Spring Valley

D Park Ave, 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.