

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

August 17, 2020

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

Tax Data: 57.05-1-55

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

Map Date: 5/22/2020

Date Review Received: 7/17/2020

Item: *G. RUBY REALTY, LLC. (R-2717)*

Variances to permit the construction of a three-family dwelling located on 0.04 acres in the R-15C zoning district. The variances required include lot area, lot width, front setback, front yard, rear setback, street frontage, and floor area ratio. A variance from Section 376-61A. is also required for the proposed interconnection.

82 feet west of North Cole Avenue, 159 feet north of Maple Avenue

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 The subject site is only 24% of the relaxed minimum lot area standard of 7,500 square feet that is required for a residence on a non-conforming lot. The lot is also one-third deficient for the reduced lot width. The proposed three-family residence will require substantial yard and setback variances to accommodate an oversized residential building on an undersized parcel, with no front setback or front yard and street frontage. The rear setback is deficient by 66%, as well. In addition, the floor area ratio exceeds the maximum permitted standards by 44%. A tripling of the residential density on a parcel of this size will negatively impact its community character and infrastructure capacity. 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 variances must be denied, and no residence permitted to be constructed on this parcel.

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2 The applicant is proposing to construct this dwelling on a lot that has no access to the roadway and is essentially in the rear yard of another lot. This adjacent lot is located in the Village of Spring Valley, in the R-2 zoning district. The R-2 zoning district has stricter standards for yard requirements and floor area ratio than the R-15C zone within which the site is located. The Town must consider the impact that the construction of a non-conforming three-family dwelling will have on the Village. As stated above, the variances must be denied. In addition, a review must be done by the Village of Spring Valley as the proposed dwelling appears to be an addition to the dwelling located on the aforementioned lot within the Village at 93 North Cole Avenue.

3 The site is a non-complying lot due to the lot width being less than 100 feet. As per Section 376-131D.(1) of the Zoning Code, the bulk requirements are more relaxed for this lot. Yet, as mentioned above, the site still does not meet many of these requirements. At only 1,824 SF, the lot is not suitable for the development of a single-family dwelling, let alone a three-family dwelling. Therefore, the variances to permit the dwelling must not be approved.

The following comments address our additional concerns about the proposal:

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

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

6 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

7 The proposed three-family addition to a single-family dwelling must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 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.

9 The development coverage and floor area ratio calculations must be provided on the site plan so its accuracy can be verified.

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10 The Project Narrative and Denial Letter from the Building Department both indicate 35 feet is required for the proposed interconnection, as per Section 376-61A. It must be clarified whether the standard is 35 feet, or 20 feet as it states on the eCode. In addition, Section 376-61A is related to outer courts. However, the structure on the site plan appears to be a hallway to connect the two structures. It must also be clarified whether this is an outer court or a hallway. If the two structures are to be connected by a hallway, this will create a four-family dwelling which is not permitted in either the R-15C zone in the Town of Ramapo or the R-2 zone in the Village of Spring Valley.

11 Three parking spaces are proposed to be located on the parcel adjacent to the site. A written agreement must be provided to permit this.

12 A turnaround area is shown on the site plan directly south of the proposed parking spaces. This area will not allow adequate space for a vehicle parked in space #1 to safely maneuver out of the space. The parking area shall be reconfigured to allow for sufficient space so all vehicles may safely maneuver out of the parking spaces without needing to back out into the roadway. In addition, the stacked parking for the dwelling on the lot located in the Village is problematic. The vehicles parked in these spaces will not be visible to those in spaces #1, #2, or #3. The parking area must be redesigned to allow for the safe maneuverability of all vehicles on site.

13 Variances may be required for the lot located in the Village of Spring Valley for front yard depth and rear yard depth to permit the proposed parking area and court/hallway.

14 All proposed exterior stairways 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.

15 To connect the proposed three-family dwelling to the parking mentioned above, as well as the roadway, a walkway is proposed. An easement over the adjacent parcel must be provided for this walkway.

16 The location of the dumpster or garbage enclosure area must be illustrated on the site plan. Access to the dumpster or garbage enclosure area must be unimpeded, and it must be demonstrated that its location will not impact yard requirements.

17 The Referral Form, project narrative, and site plan all indicate a tax map designation of 57.21-1-23 for the parcel. However, that ID is for the adjacent parcel located in the Village of Spring Valley. The correct tax designation is 57.05-1-55. All materials must be corrected. If the public hearing notice was issued with the wrong information, it must be corrected and reissued.

18 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.

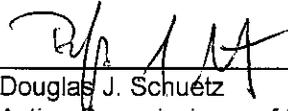
19 The site plan shall include map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of the importance of including such details.

20 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.

21 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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22 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 State
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Monsey Fire District

Anthony R. Celentano P.E.
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.