

**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 11, 2020

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

**Tax Data:** 50.17-2-15

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

**Map Date:** 10/9/2019

**Date Review Received:** 1/10/2020

**Item:** *ISRAEL PRUSHINOWSKI (R-2709)*

Variances to permit the construction of a three-family dwelling located on 0.126 acres in the R-15C zoning district. The variances required include lot area, lot width, front yard, front setback, side setback, total side setback, rear setback, street frontage, maximum development coverage, and rear setback deck.

East side of Twin Avenue, approximately 125 feet south of Elm Street

**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 Pre-existing, non-conforming lots are given special consideration under Section 376-131 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 5,500 SF; only about one-third of the minimum lot area required for new three-family residences in the R-15C zoning district and three-quarters of the reduced lot area requirement of 7,500 SF. The lot width and street frontage are additional non-conformities. We believe that granting these variances will set an undesirable land use precedent. Nearby property owners will seek the same relief resulting in larger than permitted residential units and increased population. The R-15C bulk standards are very generous, allowing for increased residential density in specific areas to create more housing units to fulfill the demand. If the Town believes that more liberal standards are necessary, they must undertake a comprehensive land use analysis of the R-15C zoning district, and amend the Zoning Code accordingly. Granting large bulk variances is not an appropriate land use planning tool and must only be used in limited circumstances. The variances must be denied, and the building footprint and number of units reduced.

**ISRAEL PRUSHINOWSKI (R-2709)**

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 and lot width are only 73% of the required minimum. The front yard and front setback are only 83% of the required standard. The side setback, total side setback, and rear yard are only half of the required bulk standards. The street frontage is deficient by 27% and the rear setback deck is deficient by 72%. In addition, the maximum development coverage exceeds the permitted standard by 40%. 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 amount and magnitude of the requested variances indicate a general overdevelopment of the site. As mentioned above, the variances must be denied. The building footprint and number of units proposed must also be reduced to better conform to the relaxed bulk standards for pre-existing, nonconforming lots in the R-15C zoning district.

The following comments address our additional concerns about the proposal:

3 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 162 feet north and 160 feet east 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.

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

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

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

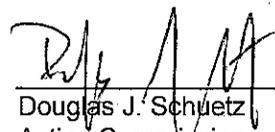
7 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 The Denial Letter from the Ramapo Building Department indicates that the parking is proposed within the required five-foot shade tree easement. This easement must be shown on the site plan. The parking must be reconfigured so as to not be located within the easement and the required trees planted, or a variance will be required. Should a variance be needed, we request the opportunity to review it as required by New York State General Municipal Law.

9 It will be difficult for a vehicle to maneuver out of parking space #3 without a turnaround area. A turnaround area must be provided so vehicles may safely maneuver out of the parking space.

**ISRAEL PRUSHINOWSKI (R-2709)**

- 10 All proposed building entrances, exterior stairways, and window wells must be delineated on the site plan demonstrating that they will not conflict with pedestrian movement, 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 site plan shall contain 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.
- 13 The subject site shall be centered within the vicinity map.
- 14 The Referral Form indicates the subject site is located approximately 125 feet north from Elm Street. This shall be corrected to south. If the public hearing notice was issued with the wrong location, it must be reissued with the correct information.
- 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  
Rockland County Office of Fire and Emergency Services  
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.*

**ISRAEL PRUSHINOWSKI (R-2709)**

*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.*