

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 2, 2020

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

Tax Data: 57.09-1-87

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

Map Date: 12/31/2019

Date Review Received: 1/30/2020

Item: *JUNE HOLDINGS, LLC (R-2703A)*

Variations for lot area, front setback (West Central Ave and Westside Ave), front yard (West Central Ave and Westside Ave), side setback, rear setback and deck rear setback to permit the construction of a detached, two-family residence on .2390 gross acres (.2228 net acres) in an R-15C zoning district.
Northwest corner of West Central Avenue and Westside 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 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 is only 48.5 percent of the minimum required for a detached two-family in the R-15C zoning district. The lot width is deficient on both frontages. Yard and setback variances are required ranging from 29 to 43 percent. A floor area ratio variance of 125 percent appears to be required. 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 building footprint must be reduced and fewer units permitted to more closely comply with the R-15C bulk standards.

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2 As noted above, it appears that a substantial variance is required for floor area ratio (FAR). The Table of Bulk Requirements (Section 376-41 of the Zoning Law) specifies that the maximum allowable FAR is .40 for Use Group x.2 in the R-15C zoning district. The x.2 FAR standard does not include the same footnote as the x.1 and x.3 FAR standards. It is unclear whether this is an editing error in the Zoning Law or if a different FAR standard applies for detached two-family dwellings. Clarification must be provided.

The following comments address our additional concerns about this proposal.

3 An updated review of the December 31, 2019 site plan must be completed by the Rockland County Health Department. In addition, the applicant must comply with the condition of the Health Department's letter of December 16, 2019.

4 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of January 6, 2020.

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

6 A review must be completed by the County of Rockland 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 emergency vehicles.

7 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 327 feet south 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.

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

9 The bulk table specifies a parking requirement of four spaces but only two are shown on the site plan. The parking requirement must be clarified. If a variance is required, it must be indicated on the bulk table. An updated ZBA application will be needed and must be referred to this department as mandated by the NYS General Municipal Law.

10 The site plan refers to the street along the eastern side of the property as West Side. This must be corrected to Westside Avenue.

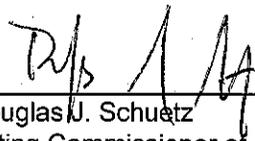
11 The site plan shall include map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of the importance of including such details.

12 A revision table must be provided on the site plan. The revision dates shall be listed chronologically.

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13 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.

14 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
Construction Expediting

June Holdings, 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.