

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

March 20, 2020

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

Tax Data: 57.09-2-5.2

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

Map Date: 2/14/2020

Date Review Received: 2/24/2020

Item: *MONSEY REALTY GROUP, LLC (R-2128H)*

Variations for accessory unit size and retaining wall location to permit an oversized accessory apartment and retaining wall seven inches over the property line for a three-family dwelling with three accessory apartments located on 0.199 acres in the R-15C zoning district.

South side of West Central Avenue, approximately 54 feet east of Herrick 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:

****Recommend the following modifications***

1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is directly adjacent to the southern boundary of the site. This area of Spring Valley is zoned R-1, a low density residential zoning district consisting of mainly one-family residences. 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 Town of Haverstraw must be considered and

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satisfactorily addressed, as well as any additional concerns about the proposal.

- 2 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed residential buildings must be held to the requisite minimum standards and comply with all requirements of this code.
- 3 A review must be completed by the Rockland County Office of Fire and Emergency Services or the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.
- 4 When our department previously reviewed variances for this project, only two accessory apartments were proposed. However, the project narrative indicates three accessory apartments were constructed. It must be clarified if the variance granted per XBA Case 4367 permitted two additional accessory apartments for a total of three apartments, or if only one was permitted for a total of two apartments. As our department only reviewed a proposal for two accessory apartments, a review must be submitted to us for the third accessory apartment, as required by New York State General Municipal Law.
- 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 floor area must be provided for the oversized accessory apartment.
- 8 An aerial apparatus road is required since the building is greater than 30 feet to the eaves. This road must be shown on the plans.
- 9 Since Lots 5.1 and 5.2 share a driveway, Lot 5.2 requires an access easement over Lot 5.1. This easement must be shown on the map.
- 10 The bulk table indicates six parking spaces are provided for each lot, for a total of twelve space provided in the lot. The spaces must be delineated on the site plan so the number provided can be confirmed.
- 11 The site plan shall include map notes that list all appropriate information, including the district details. A vicinity map with a north arrow and scale must also be provided.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo
Monsey Fire District
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
New York State Department of State

Lanc & Tully Engineering and Surveying, P.C.
Village of Spring Valley

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Mona Montal, Chief of Staff

**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.