# Rockland County

**Ed Day, Rockland County Executive**

**DEPARTMENT OF PLANNING**
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**Douglas J. Schuetz**
*Acting Commissioner*

**Arlene Miller**
*Deputy Commissioner*

April 22, 2020

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

**Tax Data:** 56.12-3-19

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 1/19/2020 **Date Review Received:** 3/23/2020

**Item:** ***SW TRUST (R-1004C)***

Lot area, front setback, front yard, side setback, rear setback, and floor area ratio variances to allow the construction of an addition to an existing two-family, semi-attached dwelling, and its conversion to a three-family, semi-attached dwelling on .228 acres in an R-15C zoning district. Previously granted variances include development coverage and insufficient outer court width.

Southeast corner of Central Avenue and Nesher Court

**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 applicant is seeking a 10 percent increase over the generous floor area ratio standard of .90; the proposed addition is almost as large as the existing structure. Yard and setback variances are also needed. A development coverage variance was previously granted. 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 footprint of the proposed addition must be reduced to more closely comply with the R-15C bulk standards.

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2 The bulk table on the January 19, 2020 ZBA Map specifies that variances were granted for development coverage and courtyard width on May 14, 2019. This department has not received a GML referral for this property since March of 2015. At that time, a three-family, semi-attached dwelling with three accessory apartments was proposed and several variances were needed. All of the variances required for the current proposal are subject to a review by this department as mandated under the NYS General Municipal Law. A complete ZBA application must be submitted for our review.

The following comments address our additional concerns about this proposal.

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

4 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

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 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.

7 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 325 feet south and 445 feet west 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.

8 A turnaround area is not provided so it will be difficult for a vehicle to maneuver out of the eastern space closest to the residential building. A vehicle will reverse directly in front of the exterior staircase that descends into the parking area. This constrained parking arrangement gives rise to pedestrian safety concerns. A turnaround area must be provided, as well as a safer parking area layout.

9 All exterior building features including entrances, staircases, porches, decks, window wells and walkways must be delineated on the site plan demonstrating that they will not impact yard requirements or increase the development coverage.

10 The existing decks, stairs, and sidewalks that are located where the proposed addition is situated must be labeled to be removed.

11 It must be clarified what the proposed party wall is attached to. Is the adjacent building planning a similar type of addition? This wall should be an exterior wall.

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

13 A net lot area calculation must be provided on the map as there are deductions required for the road dedication.

14 The ZBA Map is underlain by existing conditions, proposed utilities and landscaping, as well as construction details. As a result, the map is difficult to read. Separate sheets must be submitted rather than one which has multiple layers.

15 The dumpster enclosure must be labeled on the map.

16 The parking spaces must be numbered on the map.

17 The site plan shall contain map notes that list all appropriate information, including the district details.

18 A north arrow and scale must be provided on the vicinity map.

19 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.

20 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.

21 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

Civil Tec Engineering & Surveying PC
Village of Spring Valley

SW Trust

Mona Montal, Chief of Staff

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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.*