



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center

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**Douglas J. Schuetz**

*Acting Commissioner*

**Arlene R. Miller**

*Deputy Commissioner*

March 4, 2020

Ramapo Zoning Board of Appeals

237 Route 59

Suffern, NY 10901

**Tax Data:** 49.20-3-3.-1

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

**Map Date:** 8/21/2019

**Date Review Received:** 2/10/2020

**Item:** *TOVA TRUST/31 FRANCIS STREET (R-2045A)*

Site plan for an addition to an existing three-family dwelling located on 0.26 acres in the R-15C zoning district. A new deck will also be constructed

North side of Francis Place, approximately 630 feet west of Ronald Drive

### **Reason for Referral:**

Villages of Kaser and 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 In 2003, this department recommended that the variances required for the three-family dwelling be denied. The variances sought included lot area, lot width, front setback, front yard, side setback, and total side setback. At that time, the maximum permitted floor area ratio (FAR) for residential structures in the R-15C was 0.75. The proposed FAR was 0.75, as that application predated the 2004 comprehensive plan, and the resulting Zoning Law update which increased the allowed FAR from 0.75 to 0.90. The current bulk table states the proposed floor area ratio is 0.90. However, the floor area of the existing structure and proposed addition are not provided, making it impossible to determine the increase in the floor area ratio that will result from the construction of the proposed addition. The floor area ratio calculation must be provided on the site plan so that its accuracy can be verified.

2 The denial letter from the Building Inspector, dated August 21, 2019, states that variances for front yard, front setback, side setback, total side setback, and maximum development coverage are required in addition to the variances for rear setback and rear setback deck that are being sought. The bulk table indicates these variances have already been granted. The ZBA application referred to this department in 2003 did not include a variance for maximum development coverage. It must be verified whether or not these variances have been granted. If the variances were granted, the resolution number and date of approval must be provided. An updated ZBA application must be referred to this department that includes the maximum development coverage variance.

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3 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. Variances were previously granted for this structure; the applicant is seeking to increase the degree of non-conformity. The deck rear setback is 60% deficient in meeting the bulk requirement. The ability of the existing infrastructure to accommodate increased residential density in non-compliant structures 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 size of the addition and deck must be reduced to more closely comply with the bulk standards.

The following comments address our additional concerns about the proposal:

4 The Villages of Kaser and Spring Valley are the reasons this proposal was referred to this department for review. The municipal boundary of Kaser is 467 feet southwest of the site. The municipal boundary of Spring Valley is along the northern 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.

Those areas of countywide concern, including but not limited to traffic, drainage, stormwater management, sewer capacity, water supply and community character, that directly impact the Villages of Kaser and Spring Valley must be considered and satisfactorily addressed.

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

10 The calculation for development coverage must be provided on the site plan so its accuracy can be verified.

11 It will be difficult for a vehicle to enter or exit the northernmost parking space due to its proximity to the walkway and stairs. This also poses safety concerns for pedestrians using the walkway and staircase. In addition, it will be difficult for a vehicle to maneuver out of the spot without a turnaround area. The parking area must be reconfigured to mitigate the safety issues.

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- 12 The site plan depicts a concrete pad surrounded by a chainlink fence directly west of the parking area. Street imagery available to this department confirms that this is the garbage enclosure, and it must be labeled as such. In addition, the enclosure will be difficult for sanitation workers to access the enclosure if vehicles are parked in the two northernmost spaces. The garbage enclosure must be relocated to a more accessible area.
- 13 The second row of the bulk table is labeled "Granted". This should be changed to "Existing".
- 14 The map notes must be labeled as such. In addition, they should include parcel specific information such as lot area, zoning, designation, owner, and existing and proposed use.
- 15 The parcel must be centered on the vicinity map. If the site is on the edge of the map, the purpose of having the vicinity map is defeated.
- 16 The Referral Form indicates the tax parcel is 49.20-3-3.1. This shall be corrected to 49.20-3-3.-1. If the public hearing notice was issued with the incorrect information, it must be corrected and reissued.
- 17 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.
- 18 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.
- 19 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Michael B. Specht, Ramapo  
Rockland County Department of Health  
Rockland County Sewer District #1  
Rockland County Office of Fire and Emergency Services  
Monsey Fire District  
New York State Department of State  
  
Anthony R. Celentano P.E.  
Villages of Kaser and 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.*

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*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.*