

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 25, 2020

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

Tax Data: 49.20-3-5

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

Map Date: 1/3/2020

Date Review Received: 1/30/2020

Item: *WOLF WINKLER/35 FRANCIS PLACE (R-2712)*

Variations for total side setback, rear setback, development coverage and floor area ratio to permit the construction of a detached, three-family dwelling with three accessory apartments on .2583 acres in an R-15C zoning district.

North side of Francis Place, approximately 450 feet west of Ronald Drive

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.D.(1) 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 11,251 SF or 25 percent smaller than the 15,000 SF minimum lot area required for new three-family residences in the R-15C zoning district. Substantial variations are required for total side setback, rear setback, development coverage and floor area ratio. Given that this site benefits from the application of Section 376-131.D.(1), the building footprint and the number of units shall be reduced so that the proposal complies with the requisite bulk standards.

WOLF WINKLER/35 FRANCIS PLACE (R-2712)

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 applicant is seeking a 50 percent increase over the maximum permitted development coverage, as well as a 21 percent increase over the very generous floor area ratio standard. Setback variances are also sought. The ability of the existing infrastructure to accommodate increased residential density on non-conforming 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 must be reduced and fewer units permitted.

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 along the northern property line 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 It will be difficult for a vehicle parked in the northwestern space to maneuver out of the spot without a turnaround area. The proximity of the sidewalk and terraces is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A resident entering the parking area will walk directly behind a vehicle parked in this space. Since seven parking spaces are shown and only six are required, we recommend that the northwestern space be eliminated. Alternatively, a turnaround area must be provided so that vehicles do not have to back out into the roadway or pose a danger to residents entering and exiting the dwelling. A greater area of separation must be provided between the structure and parking spaces to ensure pedestrian safety.

9 A dumpster enclosure must be shown on the site plan and easily accessible to sanitation workers. Parked vehicles must not block access.

10 Additional information must be provided about the accessory apartments so it can be determined if they comply with the provisions of Section 376-65.

WOLF WINKLER/35 FRANCIS PLACE (R-2712)

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

12 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations. If a portion of the building exceeds 30 feet in height above the lowest level of department access, an aerial apparatus road will be required to comply with NYS Fire Code D105.

13 It appears that a rear setback variance is required for the rear decks as they are within 20 feet of the northern property line. This must be confirmed. The public hearing notice will have to be reissued if it did not contain all variances required for this proposal. An updated ZBA application will have to be referred to this department as mandated by the NYS General Municipal Law.

14 General Note 7 must be corrected to reference Sections 239L and M of the General Municipal Law as this is an application for variances not a subdivision.

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

Civil Tec Engineering & Surveying PC
Village of Spring Valley

Wolf Winkler

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.*

WOLF WINKLER/35 FRANCIS PLACE (R-2712)

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.