

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

September 8, 2020

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

Tax Data: 56.12-2-14.1

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

Map Date: 7/2/2020

Date Review Received: 8/4/2020

Item: **WOODBINE APT, LLC./9-11 GWEN LANE (R-1397C)**

Floor area ratio variance to allow the construction of a three-family dwelling with two accessory apartments on .2127 acres in an R-15C zoning district. Variances were previously granted for lot area, lot width, front setback, front yard, side setback, rear setback, development coverage and deck rear setback.

At the terminus and south side of the Gwen Lane cul-de-sac, approximately 545 feet north and west of the West Central Avenue intersection

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 This parcel was created when the two parent parcels were reconfigured into three lots. The subdivision resulted in three undersized parcels. Yard, setback and development coverage variances were required for the existing and proposed structures on each lot. The lot width of the subject site was also deficient. The applicant is now seeking to construct a larger than permitted residential structure. 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. Only 62 percent of the minimum lot area requirement is provided. The maximum development coverage is exceeded by 40 percent. The applicant is now seeking a 27 percent increase over the maximum allowable floor area ratio. The ability of the existing infrastructure to accommodate increased residential density on undersized, nonconforming 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 variance for floor area ratio shall not be granted. The building footprint must be reduced and fewer units permitted to more closely conform to the R-15C bulk standards.

The following comments address our additional concerns about the proposal.

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2 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.

3 A review shall be completed by the Rockland County Sewer District #1 and all required permits obtained.

4 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 270 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.

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 Gwen Lane and the site for fire trucks, in the event an emergency arises.

7 The GML Referral Form, the application form and the Building Department's July 13, 2020 denial letter specify that a three-family dwelling with two accessory apartments is proposed. The Layout Plan depicts a three-family dwelling with three accessory apartments and six parking spaces. The total number of units must be clarified. If the public hearing noticed contained misinformation, it must be corrected and reissued.

8 If the striped area immediately north of space 1 is an access aisle for handicapped parking, the space must be so labeled.

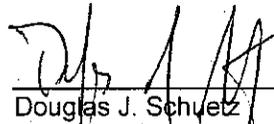
9 As noted above, six parking spaces are illustrated on the Layout Plan. The bulk table indicates that six spaces are required. If only two accessory apartments are proposed, the onsite parking requirement is five spaces. The sixth space must be eliminated and the project scaled back. This will allow for reduced development coverage and no parking spaces within the shade tree easement, as well as onsite amenities such as seating areas. If the sixth space is to remain, an additional variance for parking will be required.

10 It will be difficult for a vehicle parked in space 3 or 6 to maneuver out of the spot without a turnaround area. No building entrances or exterior stairways are shown on the site plan, making it difficult to assess the parking area in relation to the pedestrian movement on site, and whether there would be safety issues for the residents. These features must be illustrated on the site plan so that safety issues can be properly evaluated. A turnaround area must be provided so that vehicles do not have to back out into the roadway.

11 The 2,900 SF play area is comprised of land area from three separate parcels. If a shared play area is proposed, easements will be required. The easements must be noted on the Layout Plan and recorded in the property deeds.

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- 12 It must be clarified what the "easement area" is, as shown on the site plan just south of the parcel. Information must be provided on how it relates to the proposed project.
- 13 All proposed building entrances, exterior stairways and window wells must be delineated on the site plan demonstrating that they will not impact yard requirements or increase the development coverage. Parking maneuverability shall not be affected by the location of these features.
- 14 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 4 and 5. The dumpster enclosure must be moved to a more accessible location.
- 15 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.
- 16 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.
- 17 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.
- 18 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

Joel Brull

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.