Rockland County

Ed Day, Rockland County Executive

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 1, 2018

Spring Valley Planning Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 50.78-2-37 50.78-2-36 50.78-2-35

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N
Map Date: 12/4/2017 **Date Review Received:** 1/16/2018

Item: ***BRUNO NERETICH (SV-833B)***

A subdivision application to create seven lots from the merging of three existing lots totaling 1.29 acres in the R-2 zoning district. Each lot is proposed to contain a two-family dwelling. Multiple variances are required for each lot, as well as for the proposed residential structures.
The eastern side of Union Road, approximately 150 feet south of Jasinski Road.

Reason for Referral:

Pascack Brook, Town of Ramapo

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**

The Application Review form, the application narrative, and the Rockland County Department of Planning referral form all list six existing parcels and describe the project as the combining of six lots to create 11 new lots, each with a two-family dwelling. However, the six subject parcels are not contiguous. The three northern parcels are physically separated from the three southern parcels by property owned by Rockland County. Non-contiguous parcels cannot be the subject of a single subdivision application. Moreover, no site plan showing all six parcels has been provided. Although this department has received separate site plans for the subject properties as part of other referrals, these plans differ on a fundamental level from the project described in the application materials. Because of the physical separation of the parcels, and not having been provided a site plan that matches the described proposal, this application must be disapproved and a revised subdivision application submitted to this department for review.

In addition, the site plan of the three northern parcels received by this department presents significant concerns. Five of the seven proposed lots do not meet the minimum lot area standard of 8,500 square feet required for detached, single-family residences. Each of the proposed lots would require substantial yard and floor area ratio variances to accommodate oversized residential buildings on undersized parcels. Existing bulk requirements would allow these three parcels to yield five detached, two-family dwellings, six detached, single-family dwellings,

or eight semi-attached, single-family dwellings. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. An increase of the residential density in this neighborhood will negatively impact its community character. Additional residents will generate more traffic on the local streets, leading to congestion and traffic conflicts. While two-family residences are permitted as of right in the R-2 zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. For this reason, as well, we recommend that the subdivision be denied and the number of lots reduced.

The following comments reflect our additional concerns about the proposal.

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 lot areas of the seven proposed lots range from 58% to 96% of the required minimum, and have an average of 75% of the required lot minimum standard. The floor area ratios of the seven lots range from 8% to 15% greater than allowed. For five of the lots, the front yard is only 40% of the required minimum. Five of the lots have no street frontage and every lot has only 50% of the required rear yard. 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 Village must consider the cumulative and regional impacts of permitting such development.

2 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 210 feet to the northwest of the site and is zoned R-15, which permits single-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 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 Town of Ramapo 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 Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

3 The applicant must comply with all comments made by the County of Rockland Drainage Agency in their letter of August 2, 2017. Also, an updated review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

4 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

5 The applicant must comply with all comments made by the Rockland County Health Department in their letter of January 17, 2018.

6 The applicant must comply with all comments made by the County of Rockland Sewer District #1 in their letter of December 26, 2017.

BRUNO NERETICH (SV-833B)

7 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

8 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

9 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

10 More information regarding the area labelled "Bus Area" on Lot 5 must be provided. Specifically, is a shelter proposed, will it serve the Spring Valley Jitney, is it intended for the pickup and dropoff of schoolchildren, and are any easements necessary? The Village must be satisfied that this area complies with all zoning regulations and building codes.

11 The play set detail indicates that the combined width of the play set and the six-foot safety zone is 24.5 feet. The proposed locations of the play sets only provide 20 feet or less between the structure and the property line. The play sets must be removed or reduced in size to accommodate the available space.

12 The purpose of the 20-foot grasscrete lane must be clarified on the site plan. Any easements associated with it must be shown.

13 All proposed decks, exit stairways, window wells, and dumpster/refuse containment areas must be delineated on the site plan demonstrating that they will not impact yard requirements and parking maneuverability for the site. If sidewalks are proposed, they must also be shown on the plans.

14 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

15 There shall be no net increase in the peak rate of discharge from the site at all design points.

16 The metes and bounds of this site plan are incomplete. No directional information is provided. A corrected site plan must be provided.

17 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

18 The vicinity map has six lots shaded. Only three are shown in the site plan. The vicinity map must be corrected.

19 The specific height of the proposed building must be provided in the bulk table so that it can be determined if an aerial apparatus road is required.

BRUNO NERETICH (SV-833B)

20 The north arrows of the vicinity map and the site plan are aligned in the same direction, even though the maps themselves are not. The incorrect north arrow must be identified and corrected.

21 The site plan shall contain map notes, including district information.

22 The extent of the ingress/egress easement must be shown on the site plan. Information regarding responsibility for maintenance must be added to the site plan notes.

23 The site plan provided has been reduced in size and is not to scale. An unreduced, to-scale copy must be provided.

24 The NYS Department of State has determined that the Village 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 Village'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 building must be held to the requisite minimum standards and comply with all requirements of this code.

25 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.

26 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: Mayor Alan Simon, Spring Valley
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Spring Valley Fire District
New York State Department of State

Anthony R. Celentano P.L.S.
Town of Ramapo

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.

BRUNO NERETICH (SV-833B)

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.