# Rockland County

Ed Day, Rockland County Executive

**DEPARTMENT OF PLANNING**
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February 5, 2018

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

**Tax Data:** 57.54-1-9 57.54-1-8 57.54-1-7

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M
**Map Date:** 1/12/2016 **Date Review Received:** 1/18/2018

**Item:** ***PARK RIDGE GARDENS - 25, 29 & 31 RIDGE AVENUE (SV-854A)***

A site plan application to construct two 3-story, multifamily buildings on 0.94 acres in the R-3 zoning district, with a total of 14 dwelling units and 28 parking spaces. Three existing lots are to be merged to create a corner lot with two front yards. Variances are required for front yards, rear yard, floor area ratio, and parking within the front yard.

The northwestern corner of the intersection of Park Avenue and Ridge Avenue.

**Reason for Referral:**

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**

1 The site plan submitted for review is deficient in many ways. Proposed and existing structures and features are both shown in a similar manner, making it difficult to distinguish between them. Multiple lot lines are shown. There are lines that presumably indicate units within each building, whose significance is unclear. Curb cuts and accessways to parking spaces are not shown. It is not clear what the boxes between the southern building and Park Avenue are meant to signify. The two buildings are not labelled. Setbacks are not shown. Most significantly, the site plan has not been stamped by the engineer.

In addition to the deficiencies in the submitted site plan, the proposal itself presents multiple, serious concerns. The following comments will provide more information regarding each specific issue. In summary, this department has concerns about vehicles and pedestrian safety, whether the proposal is compliant with requirements for lot size, FAR, and flood regulations, and the general overdevelopment of the site. When considered cumulatively, this department is forced to conclude that its impossible to resolve these issues through minor adjustments. A wholesale revision of the project is necessary. This application must be denied.

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 front yards for Park Avenue and Ridge Avenue are 33% and 37% less than the minimum standard, respectively. The rear yard is 6% deficient of the minimum standard. The proposed floor area ratio is 37% greater than the maximum standard. 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.

3 The proposed structure does not comply with Section 255-22.H of the village zoning regulations, which prohibits impediments to visibility at intersections. This is an unacceptable hazard to motorists and pedestrians. The building must be reconfigured to comply with this section of the regulations, and the number of units and size of the building reduced to better comply with the zoning ordinance.

4 The proposed structures appear to be in violation of Section 255-22.O of the village zoning regulations, which states that distance between buildings shall be no less than the height of the buildings. No specific height or distance between buildings were given on the site plan. However, there appears to be approximately 20 feet between the two buildings, which is less than the height of the proposed 3-story buildings. The site plan must be reconfigured, the number of units and building size reduced, or the variance application amended to include this requirement. If the variance is amended, the public hearing notice must be reissued.

5 The western end of the site is within the 'A' floodplain designated by FEMA. The extent of the floodplain must be shown on the site plan. Calculations for lot area adjustment must be provided as required by Section 255-18.A of the village zoning regulations. If the adjusted lot area of the property requires amending the variance application, the public hearing notice must be reissued and a revised application sent to this department for review.

6 The bulk table incorrectly indicates the minimum lot area for this use is 20,000 square feet, not 40,000 square feet. It also lists the maximum units per acre as 16.9, not 18, and the proposed number of units per acre as 14, not 14.9. The scale is also given incorrectly as 1"=10' while the correct scale is 1"=20'. These items must be corrected.

The following comments reflect our additional concerns about this proposal.

7 The application and site plan indicate that the proposed structure will have three stories and a FAR of 0.82. However, architectural drawing A-1 by Artistic Building Design Studio, dated June 9, 2017, gives the total floor area of one of the buildings as 20,503 square feet. If both building have the same floor area, the combined floor area of 41,006 square feet would result in a FAR of 1.00. In addition, the site plan shows a total building footprint of approximately 17,360 square feet. Assuming each story will have a gross floor area equal to the footprint, the proposed structures will have an overall gross floor area of approximately 52,080 square feet. This would result in a FAR of 1.27. Although this is an estimate, a FAR of 1.27 is 55% greater than the proposed FAR of 0.82. The magnitude of this discrepancy requires further attention. The applicant must positively demonstrate that the proposed structures match the proposed FAR; a FAR calculation must be provided on the site plan. If the FAR exceeds 0.82, the variance application must be amended and the public hearing notice must be reissued. Any application that is revised due to an increase in FAR must be sent to this department for review.

8 Parking spaces 1 through 8 along Park Avenue will require drivers to back out of their spaces into the street, across multiple curb cuts. This an unacceptable hazard to pedestrians and motorists, and an impediment to the safe flow of traffic. The parking spaces must be reconfigured to minimize the number of points of ingress/egress and provide a turnaround area for motorists.

**PARK RIDGE GARDENS - 25, 29 & 31 RIDGE AVENUE (SV-854A)**

9 All sidewalks, stairs, decks, window wells, entrances, terraces and porches, and dumpster/refuse containment areas must be shown on the map to ensure that there is sufficient access to the building for firefighting purposes and to demonstrate that they will not impact yard requirements or parking maneuverability. If any such features expand the building envelope of the principal structures, such as the terraces or porches, the variance application must be amended, the public hearing notice reissued, and subsequently reviewed by this department

10 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.

11 The applicant must comply with all comments made by the Rockland County Sewer District #1 in their letter of October 2, 2017.

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

13 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.

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

15 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.

16 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 210 feet to the south of the site, and is located in the R-15 zoning district, which is comprised of 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.

17 All proposed signage shall be indicated on the site plan and shall conform to the municipality's sign standards.

18 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.

19 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.

**PARK RIDGE GARDENS - 25, 29 & 31 RIDGE AVENUE (SV-854A)**

20 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.

21 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.

22 A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line.

23 A grading plan, with existing and proposed elevations, must be provided for our review.

24 Areas designated for snow removal must be clearly delineated on the site plan so that the plow drivers will know where to place the snow piles. This will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion. In addition, providing specific locations on the site for the snow piles will reduce the use of parking spaces meant for the residents for this purpose.

25 A landscaping plan shall be provided which has low evergreen landscaping or a berm to shield the headlights of parked cars from shining into neighboring properties.

26 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.

As shown, the proposed residential buildings will require a variance from the New York State Uniform Fire Prevention and Building Code for the building separation distance, since the proposed buildings are located closer than the required 30 feet.

27 The Floodplain Administrator for the Village of Spring Valley shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

28 The village must determine whether the merging of the existing lots can be accomplished through the filing of a deed, or if a subdivision application is required. A record of the lot merger must filed with the County Clerk. If a subdivision is required, we request the opportunity to review the application. As required by the Rockland County Stream Control Act, a 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.

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

**PARK RIDGE GARDENS - 25, 29 & 31 RIDGE AVENUE (SV-854A)**

29 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.

30 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 Sewer District #1
Rockland County Office of Fire and Emergency Services
New York State Department of State
Spring Valley Fire District
Federal Emergency Management Agency

Anthony R. Celentano P.L.S.
Town of Ramapo
Construction Expediting Inc.

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.*