



Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

November 12, 2019

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

Tax Data: 50.69-1-1

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 9/6/2019

Date Review Received: 10/17/2019

Item: 22 CHARLES LANE (SV-986)

Two-lot subdivision of a 0.35-acre parcel located in the R-1A zoning district. A two-family dwelling is proposed for each lot. Variances for lot width, side yard, rear yard, total side yard, street frontage, and side yard parking are required for both lots. Lot 1 also requires variances for lot area and front yard.

Northeast side of the bend on Charles Lane, approximately 142 feet north of Dorset Road and 288 feet east of Dr Frank Road

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 Lot 1 does not meet the minimum lot area standard of 8,500 square feet required for a either a one- or two-family residence. Both Lots 1 and 2 are non-conforming for width and street frontage, as well. The proposed two-family residences will require substantial yard variances on each lot to accommodate an oversized residential building, especially on Lot 1, given it is an undersized parcel. 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. A doubling of the residential density in this neighborhood will negatively impact its community character and infrastructure capacity. 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-1A zoning district, they are subject to stricter bulk requirements. This site is particularly deficient in meeting these more stringent standards. We recommend that the subdivision be denied.

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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. Lot 1 has a proposed lot area that is 79% of the required minimum and a front yard that is only 64% compliant. The lot width is deficient by 26% for Lot 1 and 71% for Lot 2. The side yard and total side yard for both lots are deficient by 33%, while the rear yard for both lots is deficient by 50%. The street frontage for Lot 1 is 78% of the required minimum while the street frontage for Lot 2 is deficient by 78%. In addition, parking in the side yard is along the property line for both lots, when a five foot buffer is required. 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. As stated above, we recommend the requested subdivision be denied.

The following comments address our additional concerns about the proposal:

3 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.

4 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along the northern property line of the parcel. 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.

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 #1, any comments or concerns addressed, and all required permits obtained.

7 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All sidewalks and window wells must be shown on the site plan to ensure that there is sufficient access to the building for firefighting purposes.

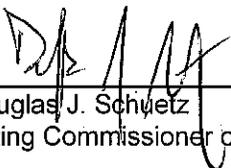
8 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Village of Spring Valley Fire Inspector, or the Spring Valley Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

9 A note must be placed with the bulk tables on the site plan that states a variance is required for street frontage and parking in the side yard for both lots.

10 The floor area ratio calculation must be provided on the site plan so its accuracy can be verified.

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- 11 The measurement for the rear yard is labeled as 10 feet but is drawn to the building, rather than the deck, on both lots. Is the 10 foot measurement correct, but the lines are drawn incorrectly, or is the scale incorrect? If the measurement of 10 feet to the building is correct, a variance from the State will be required as the decks are only five feet to the property line.
- 12 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.
- 13 The use of tandem parking spaces prevents egress for vehicles blocked by other vehicles and creates an inconvenient situation for residents. This layout will encourage residents to park vehicles off-site instead of in their designated spaces and negates the purpose of on-site parking requirements. The tandem parking spaces must be reconfigured to allow independent access for all parking spaces.
- 14 It must be clarified what the "15" shown in a circle on the site plan on the west side of Lot 2 represents. If this was an error, it should be removed from the site plan.
- 15 Map Note #3 on the site plan must be corrected to state the property is in the R-1A zoning district, not the R-2 zoning district.
- 16 Map note #25 on the site plan is a repeat of Map Note #7 and must be deleted.
- 17 The site plan shows existing trees within the proposed building footprint, as well as decks and stairways. A plan must be provided that shows the removal or relocation of these trees, or trees to be removed must be labeled as such on the plan.
- 18 The application form indicates the property receives water service from United Water. The form must be corrected to Suez.
- 19 The streets on the vicinity map shall be labeled.
- 20 We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- 21 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.
- 22 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 Office of Fire and Emergency Services

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Rockland County Sewer District #1
New York State Department of State
Spring Valley Fire District

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.