



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

December 17, 2019

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

**Tax Data:** 57.62-1-45

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 N

**Map Date:** 7/13/2017

**Date Review Received:** 11/14/2019

**Item:** 2 SINGER AVENUE (SV-989)

Two lot subdivision of 0.32 acres in the R-2 zoning district. A two-family dwelling will be constructed on each lot. Variances for lot area, lot width, front yard, and rear yard will be required for both lots. Variances for side yard and total side yard will also be required for Lot 1. Southeast corner of Singer Avenue and Sherwood 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 existing parcel has a net lot area of slightly more than the 10,000 square feet necessary for a single two-family dwelling in the R-2 zoning district. Neither of the proposed lots meet the minimum lot area standard of 8,500 square feet required for single-family residences, and provide less than three-quarters of the lot area and lot width required for two-family dwellings. The proposed subdivision will require substantial bulk variances, as will the subsequent construction of oversized residential buildings on undersized parcels. 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. The substantial increase of 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-2 zoning district, they are subject to stricter bulk requirements. This proposed subdivision is particularly deficient in meeting these more stringent standards. The subdivision must be denied. The property must be developed in a manner that is consistent with the Village's zoning regulations, which includes the construction of a single two-family dwelling.

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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. The lot area for Lot 1 is deficient by 31% and 30% for Lot 2. The lot width is only 74% of the required standard for Lot 1. For Lot 2, the lot width along Singer Avenue is only 63% of the required standard and the lot width along Sherwood Avenue is 91% compliant. The front yard along both streets for Lot 2 is 32% deficient in meeting the bulk requirement and the rear yard is 50% deficient. The side yard and total side yard for Lot 1 are both only 67% of the required 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. Given the extent and number of variances required, the two-lot subdivision must not be permitted.

3 The bulk table states that the side yard for lot 2 is 15 feet. However, the measurement shown on the site plan indicates a side yard of 10 feet. It must be clarified as to which value is correct, and updated accordingly. If the side yard is 10 feet, an additional variance will be required for this Lot.

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 Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is approximately 49 feet west 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.

6 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.

7 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

8 It will be difficult for a vehicle parked in space #2 or #4 on Lot 1, and all spaces on Lot 2, to maneuver out of the space without a turnaround area. No sidewalks, or exits have been 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. A turnaround area must be provided so that vehicles do not have to back out into the roadway, and the walkways and exits must be illustrated on the site plan so that safety issues can be properly evaluated.

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

10 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.

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11 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.

12 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.

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.

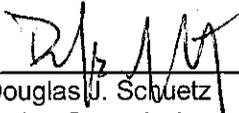
15 The map notes provided shall include district information. In addition, the site shall be centered on the vicinity map.

16 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.

17 We request the opportunity to review any variances that may be needed to implement the proposed subdivision, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

18 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.

19 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.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Alan Simon, Spring Valley  
Rockland County Department of Health

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Rockland County Drainage Agency  
Rockland County Sewer District #1

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.*

*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.*