



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

Building T

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Acting Commissioner

June 1, 2015

ARLENE R. MILLER
Deputy Commissioner

Chestnut Ridge Zoning Board of Appeals
277-279 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Tax Data: 57.17-2-37 57.17-2-36 57.17-2-35 57.17-2-34 57.17-2-33

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

Map Date: 4/9/2015

Date Review Received: 5/4/2015

Item: *OSTER SUBDIVISION (CR-229)*

Variances are required for a four-lot subdivision of .73 acres in the R-15 zoning district, and the construction, maintenance and use of a semi-attached, single-family residence on each parcel. A lot area and floor area ratio variance is required for all of the lots. Lot 1 also needs variances for side setback and total side setback.

West side of Sima Lane, 335 feet south of Old Nyack Turnpike and opposite Gilman Terrace

Reason for Referral:

NYS Thruway, Old Nyack Turnpike (CR 52), Town of Ramapo, 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***

The lot area of the subject tract is 31,799 SF. In the R-15 zoning district, detached, single-family residences are permitted by right on 15,000 SF parcels; semi-attached, single family residences are allowed by special permit on 10,000 SF parcels. Detached, two-family residences are also a special permit use requiring a minimum lot area of 20,000 SF. At 31,799 SF, this tract can yield two conforming 15,000 SF parcels, three conforming 10,000 SF parcels or a combination of a conforming 15,000 or 20,000 SF lot and a 10,000 SF lot. Four separate parcels are not achievable without significant lot area variances. The current proposal requires variances for minimum lot area ranging from 15 percent to almost 26 percent. The required floor area ratio variances range from 36 percent to 56 percent.

The surrounding neighborhood is characterized by detached and semi-attached single-family residences. There are 16 lots on Gilman Terrace improved with semi-attached, single-family residences. All but two of these parcels meet the minimum lot area requirement of 10,000 SF. The two deficient lots are over 9,100 SF. Permitting the lot area variances requested will set a land use precedent whereby neighboring property owners will seek the same relief. The

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community character of this area will change as a result. Given that there are several oversized parcels and undeveloped lots in this area, this is a precedent setting application.

We recommend that the variances required for a four-lot subdivision be denied. The number of proposed lots must be reduced and the residential development shall be scaled back to more closely conform to the R-15 bulk standards.

We offer the following additional comments on the ZBA application.

1 The Town of Ramapo and the Village of Spring Valley are two of the reasons this proposal was referred to this department for review. The Ramapo municipal boundary is along Old Nyack Turnpike, 355 feet north of the site; the Spring Valley municipal boundary is also along Old Nyack Turnpike, 440 feet northwest 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 Town of Ramapo and 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 Town of Ramapo and the Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 As noted above, 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 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 residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

4 The proposed subdivision is also subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Rosario Presti, Jr., Chestnut Ridge
New York State Thruway Authority
Rockland County Department of Highways
Rockland County Department of Health

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Rockland County Drainage Agency
Rockland County Sewer District #1
Civil Tec Engineering & Surveying PC
Town of Ramapo, Village of Spring Valley
South Spring Valley Fire District
New York State Department of State,
Division of Code Enforcement and Administration
Struli Oster

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.

