

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
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March 23, 2016

Chestnut Ridge Planning Board
277 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, Section 239 N

Map Date: 2/19/2016

Date Review Received: 2/26/2016

Item: *STRULI OSTER (CR-229B)*

Three-lot subdivision of .73 acres in an R-15 zoning district; site plan application for a detached, single-family dwelling on Lot 1 and semi-attached, single-family dwellings on Lots 2 and 3.

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:

****Recommend the following modifications***

- 1 On June 1, 2015, this department issued a GML review recommending disapproval of the variances required for the previously proposed four-lot subdivision. We considered this to be a precedent-setting application which could change the community character of the surrounding neighborhood. The Zoning Board of Appeals (ZBA) concurred and did not grant the variances. The applicant subsequently submitted a revised application to the ZBA. The proposed three-lot subdivision requires lot area and floor area ratio variances for each parcel. This ZBA application was not referred to this department as required under the New York State General Municipal Law. While the extent of the lot area variances is significantly reduced, the floor area ratio variances range from 36 to 44 percent. This is substantial. We recommend that the floor area of the proposed residential structures be reduced to more closely conform to the R-15 bulk standards.
- 2 A review shall be completed by the New York State Thruway Authority and any required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Highways and any required permits obtained.

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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 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.

6 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.

7 An updated review of the February 19, 2016 subdivision map and site plan must be completed by the County of Rockland Sewer District No. 1 and all required permits obtained. In addition, the applicant must comply with the conditions of the Sewer District No. 1's letter of December 22, 2015.

8 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

9 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. If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II (Drinking Water Supplies) of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

10 For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

12 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.

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13 General Note #9 on the subdivision map must be corrected to indicate that the sketch plat does not conflict with Section 239N of the 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 Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State,
Division of Code Enforcement & Administration
South Spring Valley Fire District
Civil Tec Engineering & Surveying PC
Town of Ramapo, Village of Spring Valley

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**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.

