



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

ARLENE R. MILLER
Deputy Commissioner

November 6, 2013

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 49.12-2-52.1

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

Map Date: 10/16/2013

Date Review Received: 10/21/2013

Item: *VIOLA ESTATES SUBDIVISION/LOT 1 (R-1682J)*

Variances for front setback, front yard, side setback, total side setback, side yard and minimum building separation to allow a two-lot subdivision of 11.16 acres in the R-25 and MR-8 zoning districts. A multi-family residential development is proposed on the 5.5 acres in the MR-8 zoning district.

South side of Viola Road, 955 feet east of Route 306

Reason for Referral:

Viola Road (CR 74), Village of New Hempstead

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 The zoning designation of the western 5.5-acre portion of the site has been changed to MR-8. The proposed multi-family development includes 44 dwelling units in twenty buildings. The maximum density of eight units per acre is proposed. The proposed Floor Area Ratio of .75 is also the maximum allowed in the MR-8 zoning district. While this 5.5-acre site can yield 44 units, it is not a conforming proposal. Several yard and setback variances are required. The minimum building separation of thirty feet is not achieved. Most of the buildings are within 20 feet of each other. No on-site amenities are provided. The proposal must be scaled back to meet all of the MR-8 bulk requirements. By eliminating some of the buildings and reducing the number of units, the applicant can create a true community by including features like a playground and seating areas where residents can interact.

2 An updated review of the October 16, 2013 layout plan must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must comply with the conditions of the Highway Department's letter of September 11, 2013.

VIOLA ESTATES SUBDIVISION/LOT 1 (R-1682J)

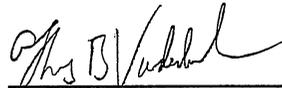
3 The applicant must comply with the conditions of the Rockland County Department of Health's letters of October 15, 2013 and August 28, 2013.

4 The Village of New Hempstead is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Viola Road directly north 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 Village of New Hempstead 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 Village of New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the variances required for this proposal.

5 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 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 Town must consider the cumulative and regional impacts of permitting such development.

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



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Leonard Jackson Associates
Village of New Hempstead
New York State Department of State,
Division of Code Enforcement and Administration
Ephraim Grossman

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

