



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

April 28, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.12-2-14 56.12-2-13

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

Map Date: 3/3/2014

Date Review Received: 3/27/2014

Item: *9-11 GWEN LANE SUBDIVISION (R-1397B)*

Variances to allow a three-lot subdivision of .59 acres in an R-15C zoning district. Existing semi-attached, two-family residences will remain on Lots 1 and 2. A three-family residence with three accessory apartments is proposed on Lot 3. Variances for lot area, rear setback, rear yard, and maximum development coverage are required for Lot 1. Lot 2 needs variances for lot area, lot width, rear setback, rear yard, street frontage and maximum development coverage. Variances for lot area, lot width, front setback, front yard, side setback, total side setback, rear setback, maximum development coverage and deck rear setback are necessary for Lot 3.

South side of Gwen Lane and north side of West Central Avenue, 250 feet east of Monsey Boulevard

Reason for Referral:

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 This department is in receipt of Sheet 1 of 4 entitled Subdivision for 9-11 Gwen Lane, an application form, a three-sentence narrative and a December 31, 2013 denial letter from the Town of Ramapo Building, Planning and Zoning Department. The four map sheets and a more detailed narrative must be submitted for our review.
- 2 The three-family residence with three accessory apartments proposed on Lot 3 must be illustrated on the site plan so that the required variances can be properly evaluated.
- 3 The driveway access and parking for Lots 1 and 2 must be indicated on the site plan.

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4 The proposed subdivision will create three undersized lots. Lots 56.12-2-13 and 14 now exceed the minimum lot area of 10,000 SF required for semi-attached, two-family residences in the R-15C zoning district. The current proposal requires lot area variances of 16 and 18 percent respectively, and a 40 percent increase over the maximum permitted development coverage on both lots. The newly created Lot 3 requires variances for nine of the 15 bulk standards, including a 36 percent lot area variance and a 40 percent maximum development coverage variance. The proposed residence on Lot 3 must be scaled back to more closely conform to the R-15C bulk standards. A smaller building with fewer units is more appropriate for this undersized parcel.

5 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 220 feet west 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.

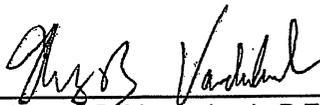
The Village of Spring Valley must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 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 lots 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.

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

8 The applicant must comply with the conditions of the Rockland County Health Department's letter of January 13, 2014.

9 The proposed subdivision is subject to a review by this Department as mandated under the NYS General Municipal Law.



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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency

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Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.E.
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
9-11 Gwen Lane

**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.

