



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

November 3, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 50.17-2-8

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

Map Date: 9/22/2014

Date Review Received: 10/6/2014

Item: *YITZCHOK ALTMAN (R-2476)*

Variations for lot area, lot width, total side setback, rear setback, street frontage, maximum development coverage and floor area ratio to allow the construction, maintenance and use of a three-family residence on .1240 acres in an R-15C zoning district.

West side of Twin Avenue, 250 feet south of Elm Street

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 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 275 feet 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 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

YITZCHOK ALTMAN (R-2476)

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.

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 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.

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

4 The September 15, 2014 denial letter from the Town of Ramapo Building, Planning and Zoning Department includes the Fire Inspector's comments. He notes that an aerial apparatus road is required if the building is over 30 feet high. The applicant's engineer must show that there is sufficient water to meet the needs of Section 508.3 of the New York State Fire Code. Existing fire hydrants must be shown. Exit stairs and ramps must be a minimum of ten feet from the property line.

5 Since an exit stairway is not illustrated on the plot plan, it is not possible to determine if there is sufficient turning room for a vehicle parked in the westernmost parking space. A turnaround area must be provided.

6 It will be difficult for sanitation workers to access the garbage pad if a vehicle is parked in the westernmost space. The garbage pad must be moved to a more accessible location.

7 It is unclear if the macadam driveway at the north and west sides of the site is to be completely removed. This must be clarified as it affects the development coverage calculation.

8 The bulk table shows that a variance for floor area ratio is required for the proposed three-family residence. However, the Building Inspector's Denial Letter does not list this as one of the required variances. It must be clarified if a floor area ratio variance is required. If so, the Town of Ramapo must review the public hearing notice to ensure that all required variances, including floor area ratio, are listed, and re-publish the notice if necessary.



Douglas W. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Sparaco & Youngblood, PLLC
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Yitzchok Altman

YITZCHOK ALTMAN (R-2476)

**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.

