COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

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Deputy Commissioner

February 18, 2014

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

Tax Data: 56.08-5-56

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

Map Date: 8/21/2008 **Date Review Received:** 1/21/2014

Item: ***YITZCHOK BIRNHACK (R-2429)***

Variances for front setback, front yard, side setback, total side setback, rear setback, deck rear setback, maximum development coverage and court width to allow the construction, maintenance and use of an addition to and the conversion of a single-family residence to a two-family residence on .3444 acres in an R-15C zoning district.

North side of Maple Leaf Road, 300 feet west of Roman Boulevard

Reason for Referral:

Villages of Spring Valley and Kaser

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 Villages of Spring Valley and Kaser are the two reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is 220 feet south of the site; the Kaser municipal boundary is 230 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.

YITZCHOK BIRNHACK (R-2429)

The Villages of Spring Valley and Kaser 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 Villages of Spring Valley and Kaser 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 applicant is seeking a 30 increase over the maximum permitted development coverage, as well as several yard and setback variances. 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.

3 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. Section 1024.3 of the New York State Fire Code states that exterior balconies, stairways and ramps shall be located at least ten feet from adjacent lot lines. Since an exterior staircase is proposed within five feet of the property line, a New York State variance will be required.

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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.
Villages of Spring Valley and Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Yitzchok Birnhack

**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.