



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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EDWIN J. DAY  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

May 28, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 49.16-1-34    49.16-1-33    49.16-1-32    49.20-2-2    49.20-2-1

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

**Map Date:** 3/10/2014

**Date Review Received:** 4/28/2014

**Item:** *BLUEBERRY COMMONS (R-2082C)*

Variances for front setback, front yard, side setback, side yard, rear setback, deck rear setback, and floor area ratio to allow the construction, maintenance and use of a 164-unit residential condominium complex on 16.84 gross acres (13.71 net acres) in an MR-12 zoning district.

East side of Route 306, south side of Edison Court, and north and south sides of Kearsing Parkway

**Reason for Referral:**

NYS Route 306, 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:

***\*Disapprove***

The subject site was one of several sites originally identified in the Town of Ramapo's Comprehensive Plan as appropriate for multi-family housing. Several multi-family housing zones were created to fulfill the need for denser residential development within the Town. These multi-family zoning districts allow for significantly greater residential density than previously allowed in the Town. This parcel was rezoned as MR-12 (Multi-family/maximum 12 units per acre). Given the thorough analysis undertaken during the Comprehensive Plan process, we do not believe that any new construction proposed for these multi-family housing sites should require bulk variances.

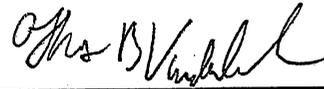
While the gross lot area of the subject site area is 16.84 acres, the net lot area is 13.71 acres due to deductions for environmental constraints including the 100-year floodplain and steep slopes, as well as the designated street line. The applicant is proposing the maximum residential density. The maximum floor area ratio is exceeded by 20 percent. The proposal now meets the minimum on-site parking standard because the Planning Board has approved eight-foot wide parking spaces rather than the nine-foot minimum stall width as required under Section 376-71.B. In addition, several yard and setback variances are required.

**BLUEBERRY COMMONS (R-2082C)**

The application form in the current submission states that a flood storage project is also proposed to remove the 100-year floodplain from the site. No additional information is provided about the flood storage project. It is unclear if the United States Army Corps of Engineers (USACOE) or the Federal Emergency Management Agency have reviewed and approved this plan. As noted in the Rockland County Drainage Agency's letter of April 24, 2014, the project area contains designated Federal Wetlands, PSS1Ch and PUBHh. The Drainage Agency recommends that the USACOE be contacted for a jurisdictional determination regarding the proposed activity.

The New York State Department of Transportation (DOT) issued comments on this proposal in an April 3, 2014 letter. A subsequent letter, dated May 16, 2014, indicates that these comment remain unaddressed. DOT has recommended that the variances not be granted due to its concerns over possible road widening requirements.

Given DOT's concerns and the outstanding USACOE jurisdictional determination, we recommend that the requested variances be denied. The proposal for this environmentally constrained site must be scaled back to more closely conform to the MR-12 bulk standards.



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

- cc: Supervisor Christopher St. Lawrence, Ramapo
- New York State Department of Transportation
- New York State Department of Environmental Conservation
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- Rockland County Office of Fire and Emergency Services
- United States Army Corps of Engineers
- Federal Emergency Management Agency
- Leonard Jackson Associates
- Villages of Spring Valley and Kaser
- New York State Department of State,  
Division of Code Enforcement and Administration
- Blueberry Land Developers

Rockland County Planning Board Members

*\*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.*