



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

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

ARLENE R. MILLER  
Deputy Commissioner

July 31, 2014

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

**Tax Data:** 50.17-1-56

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

**Map Date:** 11/18/2013

**Date Review Received:** 7/11/2014

**Item:** *CONGREGATION MOSDOS MENHARAM BRISK OF TASHAD (R-2462)*

Variances to permit construction of a three-family dwelling with three accessory apartments in the R-15C zoning district on .31 acres, with less than the required lot area, front setback, front yard, side setback, rear setback, deck rear setback, and greater than permitted maximum development coverage.  
South and east sides of Vincent Road, approximately 165 feet north of Suzanne Place

**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 470 feet east of the site. This area of the Village is zoned R-2, a medium density residential district characterized by one- and two-family residences. The maximum permitted residential density in the R-2 zoning district ranges from 4.84 to 8.71 units per acre. The applicant is proposing a residential density of 26.14 units per acre. 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.

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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.

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 40 increase over the permitted maximum development coverage. Variances of this magnitude compromise the integrity of the zoning ordinance and must not be granted.

The ability of the existing infrastructure to accommodate increased residential density on undersized parcels 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.

4 The parking spaces are awkwardly configured and will be difficult to maneuver out of. As designed, all of the parking spaces will require vehicles to back directly into Vincent Road, as there is insufficient space on site for vehicles to turnaround. As required in Section 376-71A. "All driveways shall include an adequate turnaround area to preclude the need for backing onto a public road." A parking variance for inadequate turnaround area will also be required.

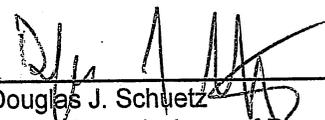
5 Access to the dumpster enclosure will be impossible to access for sanitation workers if vehicles are parked in spaces #5 and #6. The building must be reduced to eliminate the need for the variances and so that a useable parking area can be provided.

6 As per Section 376-71B. "Minimum parking stall width shall be nine feet." None of the provided parking stalls are nine feet in width; they are only eight feet. A variance for the parking stall width is required.

7 The June 25, 2014 letter from the Town of Ramapo Building, Planning & Zoning Department indicates that a rear setback deck variance is required since the proposal will have on 20 feet instead of the required 35 feet. This should be corrected to reflect that the applicant is proposing only 10 feet.

8 It appears that landscaping is located within the new entrance for the parking area. The landscaping must be updated to reflect the new driveway location.

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.  
Village of Spring Valley

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

**CONGREGATION MOSDOS MENHARAM BRISK OF TASHAD (R-2462)**

*\*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.*

