



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

May 20, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.05-1-28

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

Map Date: 3/27/2014

Date Review Received: 4/28/2014

Item: *KOHN SUBDIVISION (R-2135E)*

Variances are required for a two-lot subdivision of .582 acres and the construction, maintenance and use of a semi-attached, three-family residence with three accessory apartments on each lot. The variances include lot width, street frontage, and maximum development coverage for each parcel. In addition, variances are needed for a party wall that is less than 50 percent of the total side wall, and for courtyard width.

East side of Herrick Avenue, 150 feet north of First 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 430 feet east of the subject site. This section of Spring Valley is zoned R-2, a medium-density residential district characterized by one- and two-family dwellings. The maximum permitted residential density in the R-2 zone ranges from 4.8 to 8.7 units per acre. The proposed residential density on the subject site is 20.6 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

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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.

2 Since semi-attached, three-family residences are now proposed, a different use group (x.3) applies. The proposed subdivision will result in two lots that do not meet the standards for lot width and street frontage. The revised building foot print and parking space layout requires a 45 percent increase over the maximum permitted development coverage on each parcel. The Town of Ramapo Building, Planning and Zoning Department's April 2, 2014 denial letter indicates that variances are also required for courtyard width and a party wall that is less than 50 percent of the total side wall. These variances are not included in the bulk table or noted in the project narrative. All application materials must be consistent.

3 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 non-conforming 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.

4 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town Fire Inspector has indicated that the proposal does not meet the requirements of Section 503 of the New York State (NYS) Fire Code. A fire apparatus road must be within 300 feet of all portions of the exterior wall. A NYS variance is therefore required. Additional variances will be required if exterior exits, stairs or ramps are within ten feet of the property line.

5 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the Spring Valley Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles. The Town Fire Inspector states that firefighting will be difficult, if not impossible, with this configuration.

6 An updated review of the March 27, 2014 layout plan must be completed by the County of Rockland Department of Health and all required permits obtained. The applicant must comply with the conditions of the Health Department's letter of January 27, 2014.



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
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.L.S.
Village of Spring Valley

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New York State Department of State,
Department of Code Enforcement and Administration
Spring Valley Fire District
Esther Kohn

**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.

