COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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October 31, 2014

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

Tax Data: 50.17-1-5

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

Map Date: 10/27/2010

Date Review Received: 10/6/2014

Item: ***DAVID LICHTMAN (R-2474)***

Variances for front setback, front yard, side setback, total side setback, rear seatback, maximum development coverage and court yard width to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2916 acres on R-15C zoning district
North side of Vincent Road, approximately 450 feet northwest of the intersection with Ellish Parkway

Reason for Referral:

Village of Spring Valley, Pascack Brook

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 one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern property line 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

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 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained.

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 applicant is seeking a 52 percent 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 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 building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The September 18, 2014 denial letter from the Town of Ramapo Building, Planning and Zoning Department includes comments from the Town Fire Inspector. A variance from Section 1024.3 of the New York State Building Code is required because exit stairs or ramps are proposed within ten feet of the property line. An aerial apparatus road is required because the building is more than 30 feet in height. In addition, the applicant must show that there are sufficient fire flows in accordance with Section 508.3 of the New York State Fire Code.

5 The parking area is awkwardly configured. The staircase in the center of the building will restrict turning movements for drivers exiting parking spaces 1 and 6. The staircase must be relocated and a turnaround area provided.

6 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in space #1. The dumpster enclosure must be moved to a more accessible location.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.L.S.
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
David Lichtman

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

DAVID LICHTMAN (R-2474)

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.