



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

September 22, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.12-3-19

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

Map Date: 7/14/2014

Date Review Received: 8/19/2014

Item: *SW TRUST (R-1004A)*

Variations for front setback (Central Avenue and Neshier Court), front yard (Central Avenue and Neshier Court), side setback, rear setback and development coverage to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2355 acres in an R-15C zoning district.

Southeast corner of Central Avenue and Neshier Court

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 325 feet south and 445 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.

The Village of Spring Valley must be given the opportunity to review the proposal and its impact on

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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.

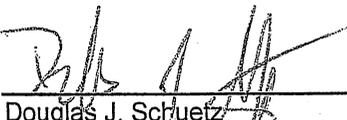
2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is seeking a 44 percent increase over the maximum permitted development coverage, as well as several yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density 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 parking spaces are not numbered on the map. It is difficult to distinguish the individual parking spaces on the copy of the map included in the GML referral but there appear to be five spaces on the Neshor Court side of the property. The on-site parking requirement is six spaces, as indicated on the bulk table. While a parking variance is not indicated on the bulk table or the Town of Ramapo Building, Planning and Zoning Department's August 18, 2014 denial letter, we believe the on-site parking is deficient. This must be clarified.

4 A turnaround area is not provided so it will be difficult for vehicles to maneuver in to and out of the northeastern space closest to the residential building. The building footprint shall be reduced to more closely comply with the R-15C bulk standards, and to safely accommodate the required on-site parking.

5 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's August 18, 2014 denial letter includes comments from the Chief Fire Inspector. A New York State variance will be required if exit stairs or ramps are located within ten feet of the property line. If the building height is more than 30 feet above the lowest level of the Fire Department's access, an aerial apparatus road is required.

6 A dumpster enclosure is not illustrated on the site plan. It must be easily accessible to sanitation workers; parked vehicles must not block access to the dumpster.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Civil Tec Engineering & Surveying, P.C
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
SW Trust

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

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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.

