



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

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

July 17, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 50.17-1-12

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

**Map Date:** 5/7/2014

**Date Review Received:** 6/17/2014

**Item:** *SIYATA DESHMAYA TRUST (R-2458)*

Variances for total side setback, rear setback, deck rear setback and maximum development coverage to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2972 acres in an R-15C zoning district.  
West side of Neil Road, 430 feet north of Elish Parkway

**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 along the western property line of the site. This area of Spring Valley is zoned R-1A, a low-medium density residential district characterized by one- and two-family dwellings. The maximum permitted residential density ranges from 5.12 units to 10.24 units per acre. The applicant is proposing a residential density of 20.91 units per acres. 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.

**SIYATA DESHMAYA TRUST (R-2458)**

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.

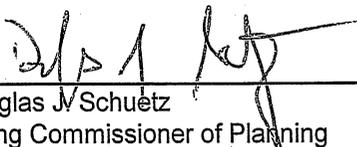
2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is proposing a 50 percent increase over the maximum allowable development coverage. The ability of the existing infrastructure to accommodate increased residential density on non-conforming lots 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 bulk table incorrectly indicates that a variance is required for side setback. The June 13, 2014 denial letter from the Town of Ramapo's Building, Planning and Zoning Department states that side yard and building height variances are required. It is not clear from where the three-foot side yard indicated in the letter is measured. The bulk table shows a building height of less than 30 feet. The required variances must be clarified, and all application materials consistent.

5 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.

6 The front staircase extends into the parking area. Since no turnaround area is provided, vehicles backing out of spaces 1 and 6 will be very near this staircase. The potential for traffic conflicts between pedestrians and vehicles is great. The staircase must be relocated so that this dangerous condition is corrected.

  
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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  
Anthony R. Celentano P.L.S.  
Village of Spring Valley

Siyata Deshmaya 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.*

**SIYATA DESHMAYA TRUST (R-2458)**

*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.*

