COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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Acting Commissioner

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October 30, 2014

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

Tax Data: 56.12-3-15

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

Map Date: 12/16/2004

Date Review Received: 10/6/2014

Item: ***MAYER WEINSTEIN (R-2473)***

Variances for lot width, rear setback, rear yard, street frontage and maximum development coverage to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .3716 acres in an R-15C zoning district. The second and third accessory apartments will require variances.

South side of Nesher Court, approximately 300 feet south of West Central Avenue

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 southern lot 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 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 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 Only one accessory apartment is permitted on lots that are less than 75 feet wide. The subject parcel has a lot width of 54.66 feet. The second and third accessory apartments must be eliminated. This will reduce the required number of on-site parking spaces resulting in less impervious surface area. As currently configured, the parking area is very constricted with no room for turnaround areas.

5 The bulk table indicates that a variance is required for the court yard. This variance is not included in the Town of Ramapo Building, Planning and Zoning Department's September 5, 2014 denial letter. It must be clarified whether a court yard variance is required. All application materials must be consistent. The public notice will have to be reissued if it did not include all required variances.

6 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 4, 5 and 6. The dumpster enclosure must be moved to a more accessible location.

7 An application to the Zoning Board of Appeals must be accompanied by a full-size map. The reduced copy submitted with this application is illegible.

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
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
Mayer Weinstein

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

MAYER WEINSTEIN (R-2473)

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.