



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

ARLENE R. MILLER  
Deputy Commissioner

February 5, 2015

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

**Tax Data:** 57.09-1-50

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

**Map Date:** 12/29/2014

**Date Review Received:** 1/14/2015

**Item:** 16 HERRICK, LLC (R-2460A)

Variations for front setback and front yard due to changes in grade during the construction of a three-family residence with one accessory apartment on .1753 acres in the R-15C zoning district. Variations were previously granted for lot width, front setback, front yard, side yard, rear setback, deck rear setback, street frontage and maximum development coverage.

East side of Herrick Avenue, approximately 77 feet south of Woodside Place

**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 445 feet east of the site. This area of the Village is zoned R-2, a medium density residential district characterized by one- and two-family residences. The maximum permitted residential density in the R-2 zoning district ranges from 4.84 to 8.71 units per acre. The applicant is proposing a residential density of 22.8 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 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 has received a variance for a 50 percent increase over the maximum permitted development coverage, as well as variances for lot width, street frontage and several yard and setback standards. 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. If the building is over 30 feet in height, an aerial apparatus road is required.

4 The Town of Ramapo Building, Planning and Zoning Department's January 5, 2015 denial letter indicates that a parking variance is required. We concur. While the parking easement on the property to the north may be feasible in the short term, future redevelopment of this parcel may require the elimination of this parking space. All required parking must be provided on-site which can be accomplished by reducing the building footprint or eliminating the accessory unit.

5 The easternmost parking space will be difficult to maneuver out of since there is no turnaround area provided. A turnaround area must be added so that vehicles do not have to back into Herrick Avenue.

6 A garbage enclosure must be indicated on the site plan. Parked vehicles must not prevent sanitation workers from accessing the garbage enclosure. Parking spaces may have to be eliminated to provide clear access to the dumpster, which will result in the need for a greater parking variance.

7 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

8 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of August 12, 2014.

9 The required variances listed on the bulk table and in the Town of Ramapo Building, Planning and Zoning Department's January 5, 2015 denial letter are not in agreement. Were any variances previously granted for this proposal? This must be clarified. All application materials must be consistent. If additional variances are required, the public notice will have to be reissued.

10 The property is incorrectly identified as 6 Herrick Avenue on the GML referral form, the application form and the Town of Ramapo Building, Planning and Zoning Department's January 5, 2015 denial letter. The correct address, 16 Herrick Avenue, is indicated on the site plan and the project narrative. All application materials must be consistent.

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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  
Rockland County Office of Fire and Emergency Services  
Civil Tec Engineering & Surveying, P.C.  
Village of Spring Valley  
New York State Department of State,  
Division of Code Enforcement and Administration  
16 Herrick, LLC

*\*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.*

