



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

April 1, 2015

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 56.08-4-2² 56.08-4-2¹

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

Map Date: 2/11/2015

Date Review Received: 3/10/2015

Item: **GROSSMAN SUBDIVISION (R-2150A)**

Two-lot re-subdivision of .47 acres in an R-15C zoning district; a three-family residence with three accessory apartments is proposed on each lot. The property was previously subdivided from north to south. The applicant is now seeking to re-subdivide from east to west. Lot 1 will be undersized. Multiple variances will be required for the residential structures.

South side of Sunrise Drive, east side of Monsey Boulevard

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 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
- 2 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 12, 2015.
- 3 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.
- 4 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

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5 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 an increase of more than 18 percent over the maximum permitted development coverage on both parcels. The party wall length and courtyard width is deficient. Lot 1 does not meet the minimum lot width requirement for more than one accessory unit. The ability of the existing infrastructure to accommodate increased residential density on undersized 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. The building footprints and the number of units must be reduced to more closely conform to the R-15C zoning requirements.

6 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 315 feet southwest 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.

7 There shall be no net increase in the peak rate of discharge from the site at all design points.

8 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

9 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

10 Turnaround areas must be provided so vehicles can safely maneuver out of parking spaces 3 and 6 on both parcels.

11 It will be difficult for sanitation workers to access the dumpster enclosures if vehicles are parked in spaces 1 and 2 on Lot 1, and spaces 4 and 5 on Lot 2. The dumpster enclosures must be moved to a more accessible locations.

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12 Parking spaces 1 and 4 on both parcels are within the five-foot shade tree easement. Section 258-3 of the Town Code states, "Any person who obtains final subdivision approval from the Planning Board of the Town of Ramapo shall provide a five-foot-wide shade tree easement along the street frontages of all lots. A fee, as set forth in the Town's Standard Schedule of Fees, shall also be paid to the Town of Ramapo, to be used for the planting of trees in the easement. The Director of Public Works, at his/her direction, shall have planted one tree for every 40 linear feet of shade tree easement. The easement shall expire two years after the planting of said shade trees." The Director of Public Works shall determine if this requirement is achievable given the location of these four parking spaces.

13 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schueitz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Anthony R. Celentano P.E.
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Ephraim & Hendel Grossman

**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.

