



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

February 5, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.05-1-33

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

Map Date: 12/22/2014

Date Review Received: 1/14/2015

Item: *KHAL TORATH CHAIM, INC./78 HERRICK AVENUE (R-2487)*

Variations for lot area, front setback, front yard, side setback, total side setback, side yard, 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 .2525 acres in an R-15C zoning district. East side of Herrick Avenue, approximately 120 feet south of First Street

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 approximately 330 feet southeast 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 23.8 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 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.

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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 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The December 31, 2014 denial letter from the Town of Ramapo Building, Planning and Zoning Department includes comments from the Fire Inspector. Exit stairs must be a minimum of ten feet from the property line. The rear deck staircases are eight feet from the eastern property line requiring a NYS variance. If the residential building is over 30 feet in height, an aerial apparatus road is required. The applicant's engineer must show that there is a fire hydrant within 600 feet of the property. Section 508 of the NYS Fire Code requires proof that there is sufficient water to meet fire flows. This department is not in favor of projects that require variances from the New York State Uniform Fire Prevention and Building Code.

3 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.

4 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 50 percent increase over the maximum permitted development coverage. 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.

5 A turnaround area has not been provided for vehicles exiting the easternmost parking spaces. Since front steps or stoops are not illustrated on the site plan, it is not possible to determine if there is sufficient room for vehicle turning maneuvers, or even room with staircases to have the two easternmost parking spaces. This must be clarified.

6 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.

7 The building footprint must be reduced to more closely conform to the R-15C bulk standards and the New York State Uniform Fire Prevention and Building Code.

8 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.



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

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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
Khal Torath Chaim, Inc.

**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.

