COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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April 16, 2015

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

Tax Data: 50.15-4-80

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

Map Date: 2/23/2015 **Date Review Received:** 3/19/2015

Item: ***MONSEY FLATS II, LLC (R-2472A)***

Variances to permit a three-lot subdivision of 1.1376 acres in the R-15 zoning district. Required variances include: less than the required lot area, front setback on a private road, and front yard on a private road; greater than permitted maximum development coverage and floor area ratio for all three lots. Lots #2 and #3 also require variances for front setback on Pascack Road, front yard on Pascack Road, and no frontage on a public road. Lots #1 and #2 require a variance for rear setback as well. Lastly, Lot #2 requires a variance for the wall, which is less than the required distance to the property line. The engineer for the project has indicated that a variance is also required for Lots #1 and #2 to allow parking in the side setback.

West side of Pascack Road, 80 feet south of Hickory 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 225 feet west 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 The project narrative indicates that a two-family residence is proposed on each of the three lots. General Note 8 on Drawing No. 1 (Subdivision) indicates that the proposed use is a two-family semi-attached residence. Drawing No. 2 (Layout Plan) shows two duplexes and four parking spaces on each lot. Based on the information provided, it is unclear whether two or four residential units are proposed on each lot. This must be clarified. All application materials must be consistent. Semi-attached two-family residences are not permitted in the R-15 zoning district. Use variances are required for these uses.

3 Cross easements for access and parking areas must be shown on the site plan. The minimum lot area should not include the land area within these required easements, which will reduce the undersized lots further. Calculations for these deductions must be provided on the plans, as well as a note indicating who will be responsible for maintenance.

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 lots range from being 13% to 21% undersized; and all are 20% larger in floor area ratio than permitted. These percentages will be further exacerbated when the easements are deducted from the net lot area. 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 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. All decks, window wells, area ways, stoops, sidewalks, and external stairs must be illustrated on the site plan to ensure their compliance.

6 The conditions in the January 20, 2015 letter from the Rockland County Department of Health must be met.

7 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter dated January 22, 2015.

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
Civil Tec Engineering & Surveying PC
Village of Spring Valley
New York State Department of State,

MONSEY FLATS II, LLC (R-2472A)

Division of Code Enforcement & Administration

**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.