



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

September 29, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.09-2-5

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 7/31/2015

Date Review Received: 9/2/2015

Item: *MONSEY REALTY GROUP, LLC (R-2128C)*

Two-lot subdivision of .43 acres in the R-15C zoning District. Semi-attached, three-family residence with three accessory apartments are proposed on each lot. Variances for lot area, lot width, rear setback, street frontage, maximum development coverage, floor area ratio, and parking are required for both lots.

South side of West Central Avenue, approximately 50 feet east of Herrick 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 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 comments and concerns in the September 16, 2015 letter from the Rockland County Sewer District No. 1 must be met.
- 3 The comments and concerns in the Rockland County Department of Health's letter dated September 10, 2015 must be met.
- 4 A review must be completed by the County of Rockland Office of Fire and Emergency Services, Town of Ramapo fire inspector, and the Monsey Fire Department to ensure that there is sufficient maneuverability on site for emergency vehicles.

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5 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is directly adjacent to the southern boundary of the site. This area of Spring Valley is zoned R-1, a low density residential zoning district consisting of mainly one-family residences. 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 county-wide 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 which 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 Town of Haverstraw must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 As per Section 376-65G, only one accessory apartment is permitted on parcels with a lot width of less than 75 feet. The lot width of the subject sites is 50 feet. Therefore, only one accessory apartment is allowed. The second and third accessory apartments must be eliminated. This will allow for closer conformance with the R-15C bulk requirements. The required on-site parking will be reduced to four spaces resulting in a lower development coverage. A smaller building footprint will also be possible with fewer accessory units.

7 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 undersized, non-conforming 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.

8 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

9 It will be difficult for a vehicle parked in the handicapped spaces and parking spaces #4 and #9 to safely exit the spaces. As noted above, only one accessory apartment is permitted given the fact that the lot widths are only 50 feet. By reducing the number of accessory units, the required number of parking spaces will also be reduced, resulting in a better parking arrangement.

10 It will be difficult for garbage carters to access the dumpster enclosure if vehicles are parked in the handicapped parking space #3, as well as parking space #4. The dumpster enclosure must be moved to a more accessible location.

11 We request the opportunity to review any variances which may be necessary to implement the proposed subdivision and site plan.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Office of Fire and Emergency Services
Rockland County Sewer District #1
Monsey Fire District
Lanc & Tully
Village of Spring Valley Planning Board
New York State Department of State,
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.

