COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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April 7, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.13-1-5 57.13-1-4 57.13-1-3 57.13-1-2

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

Map Date: 3/2/2015 **Date Review Received:** 3/10/2015

Item: ***PARK GARDENS (R-2495)***

Lot line disclaimer to combine four lots totaling 2.81 acres in an MR-8 zoning district; site plan application to construct a 22-unit multi-family development on the assemblage.
West side of Summit Avenue, 600 feet south of Wolf Drive

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:

Disapprove

The GML referral form and project narrative indicate that four tax lots (57.13-1-2, 3, 4 and 5) are to be combined. A multi-family housing development is proposed on these lots. The layout plan includes a fifth lot (57.53-1-8) located in the Village of Spring Valley. There are many major issues that must be resolved with this application before the development proposed can be achieved. These issues include the following:

* A paper street (Park Avenue) and 25 feet of the right-of-way of both Summit Avenue and Tunis Tallman's Lane are also included in the land area of the proposed assemblage. It is our understanding that the applicant does not own the paper street or the right-of-way areas. Park Avenue is shown on the Town of Ramapo's Official Map. The property deeds for the four lots do not include the land area to the center of Summit Avenue or Tunis Tallman's Lane. It is our understanding that the Town is contesting the applicant's claim to these properties. In order to proceed forward, the application must first apply to the Town of Ramapo to request a road abandonment. If the abandonment is approved by the Town, then the applicant must next purchase this property from the Town for their use.

* Since a portion of the site is located within the Village of Spring Valley, the proposed

development must be also reviewed by their planning board. The portion of the development contained within the Village must abide by the zoning rules and regulations of the designated zoning district in their zoning ordinance.

* Summit Avenue is a paved roadway that currently provides access to the other properties to the south. A retaining wall ranging in height from four to eight feet is proposed on Summit Avenue beyond the subject property line. It parallels the access to the site crossing the existing roadway before entering the parcel. This wall will, in effect, impede access for the residential properties located further south on Summit Avenue. This wall cannot be built as designed unless alternative access options are provided for these parcels.

* The site does not meet the MR-8 minimum lot area requirement of four acres. It is deficient by 1.19 acres or 29.75 percent according to the information presented on the Layout Plan. However, as noted above, the applicant does not control or have ownership of 2.81 acres. According to our records, the deed acreage for the actual five lots is only 2.06 acres. A minimum lot area variance of 48.5 percent is therefore required.

* The applicant cannot utilize NYS Town Law Section 278 as no subdivision is being proposed. It is our understanding that average density, or a cluster development, cannot be used in conjunction with a lot line disclaimer or a site plan application. The Town of Ramapo does not require a subdivision application to combine lots. Average density or cluster development can only be considered during the subdivision process.

Given the major issues cited above, the application as proposed must be denied. The applicant must resolve the title problems and ownership issues; the Village of Spring Valley Planning Board must also review the proposed development; the property owners to the south must continue to have unimpeded access to Summit Avenue; additional land area must be sought for the proposed development so that the design conforms to the MR-8 minimum lot area requirement, or a much scaled-down proposal must be submitted; and average density or cluster developments are not applicable when lot line disclaimers are proposed, so a normal layout must be designed. We request that the Town of Ramapo provide us with any additional information related to these concerns cited above, and keep the County Planning Department informed as to the resolution of the title issues, before considering a revised application.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Monsey Fire District
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Civil Tec Engineering & Surveying PC
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Chaya Neustadt

Rockland County Planning Board Members

PARK GARDENS (R-2495)

**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.