



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Acting Commissioner

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April 14, 2015

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

Tax Data: 56.12-3-19

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

Map Date: 1/22/2015

Date Review Received: 3/17/2015

Item: *SW TRUST (R-1004B)*

Variances to allow the construction of a three-family, semi-attached dwelling, with three accessory apartments on .24 acres in the R-15C zoning district. Required variances include: less than the required front setback, front yard, side setback, and rear setback; greater than permitted maximum development coverage; and insufficient outer court width.

Southeast corner of Central Avenue and Nesher Court

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 325 feet south and 445 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.

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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 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 development coverage variance required is almost 44% greater than permitted. 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.

3 A turnaround area is not provided so it will be difficult for vehicles to maneuver in to and out of the northeastern space closest to the residential building. In addition, stairs, porches, decks etc. have not been provided on the site plan, so it is difficult to determine if the parking area will potentially conflict with pedestrian movement. The building footprint shall be reduced to more closely comply with the R-15C bulk standards, and to safely accommodate the required on-site parking.

4 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's February 2, 2015 denial letter includes comments from the Chief Fire Inspector. The applicant's engineer must show that there is sufficient water to meet the fire flows required by Section 508 of the Fire Code of NYS.

5 A dumpster enclosure is not illustrated on the site plan. It must be easily accessible to sanitation workers; parked vehicles must not block access to the dumpster.

6 It appears that a variance may also be required for the party wall of the proposed building addition. As indicated in Section 376-5 Definitions, a building or structure which comprises three dwelling units for three families and which is attached or connected to another dwelling unit at their common property line by means of a party wall, must have a length of at least 50% of the total side wall length of which the party wall is a part, and which is separated from any other building or structure by open space on the side lot line opposite the party wall and by open space on the front and rear lot lines. If this variance is also required, then the plans and application materials must be updated, and the public hearing notice revised.

7 The comments in the March 13, 2015 letter from the Rockland County Sewer District No. 1 must be met.

8 The building inspector's letter dated February 2, 2015 indicates that the rear setback of 15' is not illustrated on the site plan. The applicant must demonstrate all yards clearly on the site plan and provide measurements for each. Furthermore, it appears that the bulk requirements on this site plan are the same as what was proposed previously for a different building configuration. Has the development coverage changed from the previous submission of .79? This must be clarified, and corrected if erroneous.

9 The parking spaces must be numbered on the site plan. It is unclear whether five or six parking spaces are proposed. If only five parking spaces are proposed, then a parking variance will also be required, and the public hearing notice revised to reflect this additional variance.

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Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Sewer District #1
Rockland County Department of Health
Rockland County Drainage Agency
Civil Tec Engineering & Surveying, P.C.
Village of Spring Valley
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.

