



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

**EDWIN J. DAY**  
County Executive

**DOUGLAS J. SCHUETZ**  
Acting Commissioner

**ARLENE R. MILLER**  
Deputy Commissioner

May 19, 2015

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

**Tax Data:** 57.09-1-59      57.09-1-58

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

**Map Date:** 2/17/2015

**Date Review Received:** 4/27/2015

**Item:** **WESTGATE ESTATES (R-2486B)**

Variances to permit a five-lot subdivision of 1.14 acres in an R-15C zoning district, and the construction, maintenance and use of a three-family residence with three accessory apartments on Lots 1, 2 and 3, and a three-family residence with one accessory apartment on Lots 4 and 5. Lot 1 requires variances for front setback, front yard, rear setback and development coverage. Lot 2 needs variances for front yard, front setback, rear setback, deck rear setback, street frontage, development coverage and no frontage on a public street. Variances for lot area, lot width, side setback, total side setback, rear setback, street frontage, development coverage and no frontage on a public street are required for Lot 3. Lots 4 and 5 need variances for lot area, lot width, rear setback, street frontage, development coverage and no frontage on a public street.

North side of West Central Avenue, 200 feet west of Decatur 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:

***\*Disapprove***

The combined land area of the two parcels proposed to be subdivided is 49,764 SF, or 11,258 SF less than indicated in the previous submission. This assemblage can yield three 15,000 SF lots or five 10,000 SF lots without deductions for any other site improvements. Lot 58 is landlocked; Lot 59 has 112 feet of frontage along West Central Avenue. In order to provide access to the landlocked portion of the subdivision, a 24-foot wide interior road is proposed. This road is approximately 303 feet long with a 48-foot extension to Lot 3. Given that the area of the interior road is roughly 8,500 SF, only 41,264 SF is available for residential development. By our calculations, just two conforming 15,000 SF or four conforming 10,000 SF lots are achievable. The applicant is proposing five lots ranging from 7,520 SF to 12,284 SF. A combination of semi-attached and detached residential structures are proposed. Three lots (3, 4 and 5) are undersized

**WESTGATE ESTATES (R-2486B)**

and do not meet the lot width requirement. Four lots (2, 3, 4 and 5) require street frontage variances. Front setback and front yard variances are needed for Lots 1 and 2. Lot 2 needs a deck rear setback variance; Lot 3 requires a side setback and total side setback variance. Rear setback and maximum development coverage variances are required for all five lots. The proposed development coverage for each of the five lots exceeds the permitted maximum by 43.6 percent. We believe that this proposal will result in a gross overutilization of the site as evidenced by the number and the extent of the variances required. We recommend that both the number of lots and residential units be reduced to more closely conform to the R-15C bulk requirements.

We offer the following additional recommendations on the ZBA application.

1 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is 135 south and 275 east 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 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 and 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.

3 The applicant must comply with the conditions of the Rockland County Health Department's letter of March 10, 2015.

4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of March 11, 2015.

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

6 The proposed private road is essentially a dead-end street providing access to Central Avenue for 26 residential units. A secondary, emergency access is no longer illustrated on the layout plan. A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Spring Valley Fire District to ensure that there is sufficient access and maneuverability on-site for emergency vehicles.

**WESTGATE ESTATES (R-2486B)**

7 A long, narrow area in the southwest corner of the site is proposed as a play area for the entire subdivision. A retaining wall that rises from two feet to 5.5 feet is depicted immediately north of the play area. It is therefore unclear how future residents will access this space. This must be clarified. In addition, this 1,000 SF area is isolated from most of the future residential units, and translates to approximately 38 SF of recreational space per unit. This is unacceptable. A larger play area must be designated in a central location. Amenities including playground equipment and seating areas must be provided.

  
\_\_\_\_\_  
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  
Rockland County Office of Fire and Emergency Services  
Spring Valley Fire District  
Leonard Jackson Associates  
Village of Spring Valley  
New York State Department of State,  
Division of Code Enforcement and Administration  
Trodale Developers, Inc.

Rockland County Planning Board Members

*\*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.*

