



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

July 21, 2015

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

Tax Data: 57.09-1-61

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

Map Date: 5/26/2015

Date Review Received: 6/26/2015

Item: *YIZKOR HOLOCAUST MEMORIAL CORP. (R-2509)*

Variations for lot area, front setback, front yard, rear setback, development coverage and parking to allow the construction, maintenance and use of an addition to and the conversion of an existing single-family dwelling to a two-family dwelling with one accessory apartment. The .1669-acre site is located in an R-15C zoning district.

North side of West Central Avenue, 92 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. The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 195 feet south 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

YIZKOR HOLOCAUST MEMORIAL CORP. (R-2509)

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.

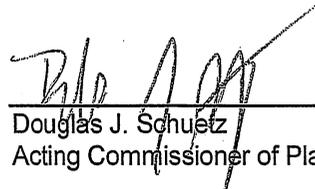
2 Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The applicant is seeking a 22 percent increase over the maximum permitted development coverage and is unable to provide the required on-site parking. The ability of the existing infrastructure to accommodate increased residential density on nonconforming 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. The accessory apartment shall be eliminated.

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

4 The applicant has informed this department that the offices of the Yizkor Holocaust Memorial Corp. will also be housed in this building. The application materials do not mention this additional use. Is this considered a home occupation or a home professional office? Does it require a special permit? What are the parking requirements for this use? This proposal is already deficient in meeting the on-site parking requirement for the residential use. Where will office visitors park? Additional information must be provided about this secondary use. If a special permit is required for the office space, that application is subject to a review by this department as mandated by the New York State General Municipal Law.

5 The lot width and street frontage requirements are 65 feet as indicated in Section 376-131.D.(1)(d). The bulk table must be corrected.

6 The Town of Ramapo Building, Planning and Zoning Department's denial letter of June 9, 2015 includes comments from the Chief Fire Inspector. The applicant's engineer must show that there is sufficient water to meet fire flows required by the Fire Code of NYS. There must be a fire hydrant within 600 feet. The fire hydrant must be indicated on the site plan.



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
Civil Tec Engineering & Surveying PC
Village of Spring Valley
New York State Department of State,
Division of Code Enforcement and Administration
Yizkor Holocaust Memorial Corp.

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

YIZKOR HOLOCAUST MEMORIAL CORP. (R-2509)

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.

