



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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February 29, 2016

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

Tax Data: 56.12-3-8

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

Map Date: 11/16/2015

Date Review Received: 1/27/2016

Item: *ELI EICHLER (R-2245A)*

Variances for front setback, front yard, side setback, total side setback, side yard, rear setback, maximum development coverage, rear yard and deck rear setback to allow the construction, maintenance and use of an addition to and the conversion of a single-family residence to a two-family residence on .2375 acres in an R-15C zoning district. A courtyard variance is also required. East side of Melnick Drive, north of the intersection of Spruill Court and 250 feet south of West Central 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 along the western property line 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 applicant is seeking a variance of more than 18 percent for maximum development coverage, as well as several yard and setback variances. The ability of the existing infrastructure to accommodate increased residential density in larger residential structures 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 proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

4 The December 4, 2015 denial letter from the Town of Ramapo Building, Planning and Zoning Department includes comments from the Fire Inspector which must be addressed. Sprinklers must comply with NFPA 13D. Exits, decks, ramps and stairways are not permitted within ten feet of the property line as per NYS Fire Code 1024.3. If a portion of the building falls within ten feet of the property line, a one hour fire-rated exterior wall is required.

5 A review must be completed by the County of Rockland Office of Fire and Emergency Services and the local fire district to ensure that there is sufficient maneuverability on-site for emergency vehicles.

6 In September of 2008, this department issued a GML review for a significantly smaller addition. The bulk table on the May 28, 2008 site plan indicated that the proposed floor area ratio was less than .90. The current submission for a much larger addition specifies the same floor area ratio. This is not possible. The number of stories and square footage of the proposed addition must be indicated on the site plan. A floor area ratio calculation must be provided, as well as the development coverage calculation. It appears that a variance may also be required for floor area ratio. This must be clarified. The building footprint of the proposed addition must be scaled back to more closely conform to the R-15C bulk standards,

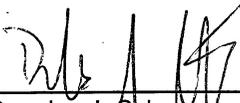
7 A parking space is shown under the proposed deck on the south side of the addition and over the on-site stormwater management system. This is not an ideal location. The building footprint must be reduced so that on-site parking spaces are not situated under the deck. A smaller building footprint will reduce the extent of the maximum development coverage variance and allow for some useable yard space for recreation.

8 As indicated on the site plan, the proposed driveway access to Melnick Road is too steep. At 11.66 percent, it exceeds the Town's regulations. Is a variance required for the driveway slope? This must be clarified. The notice for the public hearing must be reissued if it did not include all required variances.

9 The December 4, 2015 denial letter from the Town of Ramapo Building, Planning and Zoning Department does not indicate that total side setback or courtyard variances are required although they are noted on the bulk table. All application materials must be consistent. The notice for the public hearing must be reissued if it did not include all required variances.

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- 10 A parking turnaround area must be provided for space # 2.
- 11 The site plan is lacking a vicinity map and general notes. This information 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
New York State Department of State,
Division of Code Enforcement & Administration
Anthony R. Celentano P.L.S.
Village of Spring Valley

Eli Eichler

**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

