



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

February 29, 2016

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 57.05-1-49

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

Map Date: 8/7/2009

Date Review Received: 1/27/2016

Item: ALLEN & SHIFRA ITZKOWITZ (R-2544)

Variations to permit a three-family dwelling located on .13 acres in the R-15C zoning district. Required variations include: lot area, lot width, front setback, front yard, side setback, total side setback, street frontage, and maximum development coverage. A variance for rear setback is also noted in the bulk table.

East side of Decatur Avenue, 150 feet south of First Street

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 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 maximum development coverage is exceeded by 50%. 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.

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

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3 It will be difficult for a vehicle parked in space #3 to maneuver out of the space without a turnaround area. The proximity of the staircase is also a concern. The potential for traffic conflicts between pedestrians and vehicles is great. A turnaround area must be provided so that vehicles do not have to back out into the roadway.

4 A review must be completed by the Rockland County Office of Fire and Emergency Services, the Town of Ramapo Fire Inspector, and the Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

5 As indicated in the December 14, 2015 letter from the Town of Ramapo Building, Planning & Zoning Department, the Fire Inspector raises several comments that must be addressed. These include: 1) sprinklers must comply with NFPA 13R requirements; 2) applicant must show sufficient water to meet Fire Flow Requirements as per NYS Fire Code 508.3; 3) decks, exits, stairways and ramps are not permitted within 10 feet of the property line as per NYS Fire Code 1024.3; 4) if a portion of the building is within 10 feet of the property line, a one-hour rated exterior wall is required; and 5) if a building exceeds 30 feet from the lowest level of fire department access, an aerial apparatus road is required as per NYS Fire Code D105. Lastly, the specific building height must be provided.

6 The Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is approximately 110 feet southeast 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 county-wide 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 which 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.

7 The December 14, 2015 letter from the Town of Ramapo Building, Planning & Zoning Department notes that eight variances are required for the proposed three-family dwelling. The bulk table notes these eight, plus an additional variance for rear setback. It must be clarified if a rear setback variance is required. If it is, then the public hearing notice must be re-issued if it did not contain this additional variance.

8 The site plan does not contain map notes that list all appropriate information, including the district information. Map Notes that provide more detailed information about the site must be included on the site plan.

ALLEN & SHIFRA ITZKOWITZ (R-2544)



Douglas W. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Department of Highways
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.L.S.
Village of spring Valley

**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.

