

DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

July 10, 2017

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

Tax Data: 50.09-3-15

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

Map Date: 1/29/2017

Date Review Received: 6/7/2017

Item: *ISRAEL N. CURLAND (R-2604)*

Variances for lot area, lot width (Gilda Ct), front setback (Union Rd and Gilda Ct), front yard (Union Rd and Gilda Ct), side setback, total side setback, and Floor Area Ratio to allow the construction, maintenance and use of an addition to and conversion of a one-family dwelling to a two-family dwelling on 0.34 acres in the R-15 zoning district.

East side of Union Rd and the west side of Gilda Ct, approximately 200 feet south of the Viola Rd and Union Rd intersection.

Reason for Referral:

Villages of Spring Valley and New Hempstead, Viola Rd (CR 74)

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 Villages of Spring Valley and New Hempstead are two of the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is along Union Road, 50 feet west of the site; the New Hempstead municipal boundary is approximately 330 feet north 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 Villages of Spring Valley and New Hempstead 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 Villages of Spring Valley and New Hempstead must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 A review must be completed by the Rockland County Highway Department and all required permits obtained.

3 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 subject site is deficient in meeting the minimum lot area requirement; a variance of more than 26 percent is required. The applicant is seeking an increase of 75 percent over the maximum allowable floor area ratio. 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. The footprint of the proposed addition must be reduced to more closely comply with the R-15 zoning district bulk standards.

4 A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.

5 A review must be completed by the Rockland County Sewer District #1 and all required permits obtained.

6 The NYS Department of State has determined that the Town is not administering or enforcing the State Uniform Fire Prevention and Building Code in accordance with minimum standards set forth in 19 NYCRR part 1203. Given the concerns about the Town's administration and enforcement of the State Uniform Fire Prevention and Building Code raised in the Executive Deputy Secretary of State's letter of July 15, 2016, the proposed two-family dwelling must be held to the requisite minimum standards and comply with all requirements of this code.

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

8 It will difficult for a vehicle parked in space #4 to maneuver out of the space without a turnaround area. Several turning maneuvers will be required. A turnaround area must be provided so that vehicles do not have to back out into the roadway.

9 All proposed entrances, stairways, decks, window wells, sidewalks and refuse containment areas must be clearly delineated and labeled on the site plan, demonstrating that they will not impact yard requirements and parking maneuverability for the site.

10 An existing stone wall and pillar are shown within the proposed driveway connection to Union Road. A "to be removed" notation must be included on the site plan.

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11 It is unclear whether the well pump immediately south of the southeastern property line serves the subject site or Lot 50.09-3-13. This must be clarified. If an existing well will no longer be used following the proposed site development, a formal notation on the approved plans must specify that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.

12 The site plan shall contain map notes that list all appropriate information, including the district details.

13 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Yitzchok Ullman, Ramapo
Rockland County Department of Highways
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Moleston/Hillcrest Fire District

Anthony R. Celentano P.L.S
Villages of Spring Valley and New Hempstead

**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.

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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.