

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 29, 2019

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

Tax Data: 56.08-5-56

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

Map Date: 8/21/2017

Date Review Received: 4/17/2019

Item: *YITZCHOK BIRNHACK (R-2429A)*

A variance is required for distance from an accessory structure to a dwelling to allow a shed/frame building within ten feet of an existing two-family residence on .3444 acres in an R-15C zoning district. Variances were previously granted for front setback, front yard, side setback, rear setback, deck rear setback, maximum development coverage and court width to allow the construction of an addition to and the conversion of a single-family residence to a two-family residence.

North side of Maple Leaf Road, 300 feet west of Roman Boulevard

Reason for Referral:

Villages of Spring Valley and Kaser

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 Kaser are the two reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is 220 feet south of the site; the Kaser municipal boundary is 230 feet west 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 Villages of Spring Valley and Kaser 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.

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The areas of countywide concern noted above that directly impact the Villages of Spring Valley and Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

2 The purpose of the accessory structure must be specified. It is difficult to evaluate the impact of the variance without knowing the use of the frame building.

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. As noted above, yard and setback variances have been granted, as well as an increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density in non-conforming 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.

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

5 The applicant must comply with the conditions of the Rockland County Sewer District #1's letter of May 8, 2019.

6 The residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building 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 Monsey Fire Department to ensure that there is sufficient maneuverability on site for fire trucks, in the event an emergency arises.

8 The drawing submitted with this application is difficult to read as the layout plan is underlain with the drainage, utility and landscaping plans. Lines are superimposed over words and numbers. It appears that a second driveway is proposed on the west side of the site, as well as two additional parking spaces. However, only two parking spaces are referenced in the bulk table. Separate drawings must be provided so we can properly evaluate the proposal.

9 It will be difficult for a vehicles parked in space 1 and 2 to maneuver out of the spots without a turnaround area. The proximity of the wood deck is also a concern. A turnaround area is also not shown in the western parking area. A turnaround area must be provided for all parking spaces so that vehicles do not have to back out into the roadway.

10 It will be difficult for sanitation workers to access the dumpster enclosure if vehicles are parked in spaces 1 and 2. The dumpster enclosure must be moved to a more accessible location.

11 A vicinity map must be provided that includes a north arrow and scale.

12 The site plan shall contain map notes that list all appropriate information, including the district details. The applicant's engineer has been reminded of this requirement, and the importance of providing these 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

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14 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 Michael B. Specht, Ramapo
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of State
Rockland County Office of Fire and Emergency Services
Monsey Fire District

Anthony R. Celentano P.E.
Villages of Spring Valley and Kaser

Yitzchok Birnhack

Mona Montal, Chief of Staff

**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.

