

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

January 7, 2020

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

Tax Data: 57.18-2-63

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 9/20/2019

Date Review Received: 12/9/2019

Item: *CHASKEL HALBERSTAM/136 FAIRVIEW AVE (R-2706)*

Variances for lot area, lot width (Fairview Avenue) and floor area ratio to allow the construction of a three-story, two-family residence on .4179 acres in an R-15 zoning district.

Southeast corner of Noyes Avenue and Fairview Avenue

Reason for Referral:

Villages of Spring Valley and Chestnut Ridge, Old Nyack Turnpike (CR 52)

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 applicant is seeking a 62.5 percent increase over the maximum allowable floor area ratio (FAR). The ability of the existing infrastructure to accommodate increased residential density on undersized, 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 size of the building must be scaled back so that the floor area of the proposed residential structure more closely complies with the maximum permitted .40 FAR standard.
- 2 The applicant must comply with the conditions of the Rockland County Highway Department's letter of December 20, 2019.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of December 30, 2019.
- 4 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.

CHASKEL HALBERSTAM/136 FAIRVIEW AVE (R-2706)

5 The Villages of Spring Valley and Chestnut Ridge are two of the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is approximately 35 feet northwest of the site; the Chestnut Ridge municipal boundary is approximately 165 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 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 Villages of Spring Valley and Chestnut Ridge 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 Chestnut Ridge must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

6 It will be difficult for a vehicle parked in space 1 or 4 to maneuver out of the space without a turnaround area. An appropriately-sized turnaround area must be provided so that vehicles do not have to back out into the roadway.

7 It will be difficult for sanitation workers to access the garbage enclosure if a vehicle is parked in space 2. The garbage enclosure must be moved to a more accessible location.

8 The development coverage and floor area ratio calculations must be provided on the site plan so their accuracy can be verified.

9 The actual building height proposed must be indicated on the bulk table, rather than "< 35'." The bulk table shall not include estimations.

10 The parcel location is incorrectly defined on the application form and the GML referral form. The subject property is located on the south side of Noyes Avenue and the east side of Fairview Avenue. The location information must be corrected.

11 The project narrative includes an incorrect lot width requirement. The lot width standard must be correctly referenced in all application materials.

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.

CHASKEL HALBERSTAM/136 FAIRVIEW AVE (R-2706)

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 Highways
Rockland County Department of Health
Rockland County Sewer District #1

Anthony R. Celentano P.E.
Villages of Spring Valley and Chestnut Ridge

Chaskel Halberstam

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.