



COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

July 6, 2007

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 57.05-1-28

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 N

Map Date: 4/5/2007

Date Review Received: 6/13/2007

Item: *HERRICK SUBDIVISION (R-2135A)*

Two-lot subdivision of .582 acres in an R-15C zoning district. A three-family residence is proposed on each lot.

East side of Herrick Avenue, 150 feet north 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***

As noted in our February 1, 2007 review of the variances required for this project, the applicant is proposing to create two undersized lots in order to construct two residential buildings with a Floor Area Ratio (FAR) of .83 and 69 percent of the 12,675 SF lots developed. This is close to the maximum FAR of .90 allowed for this use in the R-15C zoning district. The maximum development coverage is exceeded by 38 percent on each lot. Since the minimum lot area is not achieved for either lot, variances are also required for lot width, front yard, front setback, side setback, rear setback, rear yard and street frontage. This department is not in favor of new construction projects that do not conform to the bulk standards of the zone in which they are proposed. However, it is our understanding that all of the variances were granted on February 8, 2007. Therefore, we offer the following recommendations on the proposed subdivision.

1 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

HERRICK SUBDIVISION (R-2135A)

2 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

3 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

4 Public sewer mains requiring extensions within a right-of-way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

5 There shall be no net increase in stormwater runoff from the site.

6 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.



Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Sparaco Engineering & Land Surveying, PC
Village of Spring Valley

Isidore Landau

**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.