



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

SALVATORE CORALLO
Commissioner

ARLENE R. MILLER
Deputy Commissioner

May 1, 2009

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

Tax Data: 57.05-2-20

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

Map Date 3/20/2009

Date Review Received: 4/1/2009

Item: **BERNARDO PASTERNAK/44 HERRICK AVENUE (R-2263)**

Variances for front setback, front yard, side setback and total side setback to allow the construction of additional steps at the front and side of a three-family residence on .1668 acres in an R-15C zoning district. Variances were previously granted for lot area, lot width, front setback, front yard, side setback, total side setback, side yard, rear setback and street frontage. The additional variances are required due to elevation discrepancies.

East side of Herrick Avenue, 100 feet north of Stephens Place

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:

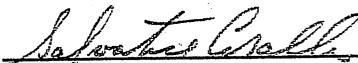
****Recommend the following modifications***

A request for a General Municipal Law review of the original version of this proposal was never submitted to this department, so we have not commented on any of the variances required for this three-family residence. Therefore, we offer the following recommendations:

1 Permitting residential 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 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.

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2 As noted above, the Village of Spring Valley is the reason this proposal was referred to this department for review. The municipal boundary is within 350 feet of the rear property line of the subject 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 recently 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 nearby residential neighborhood in the Village of Spring Valley is zoned R-2, a medium-density residential district. One-family, detached dwellings are permitted on lots ranging from 8,500 to 9,000 SF; two-family detached dwellings are permitted on 10,000 SF lots; one-family, semi-attached dwellings are permitted on 7,000 SF lots. Permitted residential densities in the R-2 zoning district range from 4.8 units per acre to 8.7 units per acre. This is considerably less than the maximum residential density of 26 units per acre permitted in Ramapo's R-15C zoning district. Continually allowing increased residential densities on undersized lots has the potential to negatively impact the community character of adjoining neighborhoods. Areas of countywide concern including traffic, drainage, stormwater runoff, and water supply that directly impact the Village of Spring Valley, as well as the aforementioned community character issues, must be considered and satisfactorily addressed.



Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.
Village of Spring Valley

Bernardo Pasternack

**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.