



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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ARLENE R. MILLER
Deputy Commissioner

December 8, 2006

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

Tax Data: 57.17-4-58.2 57.17-4-58.1

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

Map Date: 9/27/2006

Date Review Received: 11/20/2006

Item: *RAMAPO KNOLLS (R-2124)*

Variances for minimum lot area, side yard buffer and parking in the side yard to allow the construction, maintenance and use of an 18-unit multifamily housing development on 2.26 acres (net lot area) in an MR-8 zoning district.

North side of Old Nyack Turnpike, 150 feet west of South Madison Avenue

Reason for Referral:

Old Nyack Turnpike, 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***

The subject site was one of several sites identified in the Town of Ramapo's Comprehensive Plan as appropriate for multi-family housing. Several multi-family housing zones were created to fulfill the need for denser residential development within the Town. This parcel was subsequently rezoned as MR-8 (Multi-family/maximum 8 units per acre). It is currently being reviewed for both variances and site plan. The site plan review will be submitted at a later date. This review focuses on the variances required for this application.

With regard to the variances for side yard buffer and parking in the side yard, we remand these matters for local determination. We regard to the variance for minimum lot area, we have the following conditions:

RAMAPO KNOLLS (R-2124)

1 The proposed development of Lot 57.17-4-58.2 is linked to the existing development on Lot 57.17-4-58.1 in several ways. The driveways accessing each site will be connected. The water quality detention basin serving both sites straddles the tax lot line. Twelve of the proposed parking spaces on Lot 57.17-4-58.2 serve to meet the parking requirements for the existing residential units on Lot 57.17-4-58.1. The tax lot line runs through the northern building on Lot 57.17-4-58.1. Given the extent of the inter-connectedness, we question whether merging the two lots was considered. The dilemma in a tax lot merger is that the maximum residential density of eight units per acre would be exceeded based on existing conditions. The combined lot area of 5.41 acres would allow for a total of 43 residential units. While Lot 57.17-4-58.2 is undersized, a lot area variance would allow up to 18 units to be constructed on this site.

Since the Town has rezoned these parcels, as well as the school district property to the north, it is clear that they are in favor of allowing denser residential development in this area. The Town must evaluate whether it is more desirable to link the existing and proposed developments or to require two separate projects that are not interconnected. All parking for the existing development would have to be located on Lot 57.17-4-58.1. Separate stormwater management facilities would be required for each parcel. The lot line would have to be reconfigured so that it did not pass through a building.

2 It is our understanding that the Town of Ramapo is satisfied that the lot configuration is correct as presented. Since the County mapping system and the Town Assessor's Office show a different lot configuration, we recommend that this situation be resolved to avoid additional confusion in the future.

3 The comments and conditions of the Rockland County Department of Highways' letter dated November 2, 2006 must be met.



Salvatore Corallo
Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Highways
Brooker Engineering, PLLC
Village of Spring Valley

Ramapo Knolls, Inc.

**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.

