



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

ARLENE R. MILLER
Deputy Commissioner

February 4, 2011

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

Tax Data: 50.17-1-5

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

Map Date: 10/27/2010

Date Review Received: 1/5/2011

Item: *SOUTHRIDGE DEVELOPERS, LLC/DAVID & REINA LICHTMAN (R-2304)*

Variances for front setback, front yard, side setback, total side setback, rear setback, deck rear setback, maximum development coverage and outer court width to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .2916 acres in an R-15C zoning district. North side of Vincent Road, 423 feet northeast of Elish Parkway

Reason for Referral:

Village of Spring Valley, Pascack Brook

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 Village of Spring Valley is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern boundary of the subject site. An R-1 single-family, residential zoning district is located in this part of the Spring Valley. 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 recently 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 Village of Spring Valley must be given the opportunity to review the proposal and its impact on

SOUTHRIDGE DEVELOPERS, LLC/DAVID & REINA LICHTMAN (R-2304)

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 Village of Spring Valley must be considered and satisfactorily addressed, as well as any additional concerns about this proposal.

2 A review must be completed by the County of Rockland Drainage Agency and all required permits obtained from them.

3 The Town must consider the cumulative and regional impacts of permitting such development and the land use precedent that will be set. The ability of the existing infrastructure to accommodate this increased density is a countywide concern and must be evaluated. Allowing the maximum residential density on undersized parcels could overburden local roads, as well as the sewer system, stormwater management systems and the public water supply.

4 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process.

The building should be redesigned so that there is no outer court. This will eliminate the need for several variances including side setback, total side setback and outer court width. The applicant should also consider reducing the size of the building to more closely conform to the R-15C bulk requirements and Section 376-131D.(1).



Arlene Miller
Deputy Commissioner of Planning

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

Jacob Greenhut

**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.