



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

December 20, 2013

ARLENE R. MILLER
Deputy Commissioner

Spring Valley Planning Board
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 50.70-1-9

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

Map Date: 5/29/2013

Date Review Received: 11/20/2013

Item: *LEON & AIDEL GROSS (SV-806B)*

Site plan for an addition to an existing single-family residence on .1737 gross acres (.0868 net acres) in an R-1A zoning district with a Floodplain Overlay.
Southwest side of Stanley Place, opposite Aselin Drive

Reason for Referral:

Pascack Brook, Town of Ramapo

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:

****Disapprove***

This site is subject to lot area deductions due to its location within the Floodplain Overlay District. These deductions serve to limit development in flood-prone areas. 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 ability of the existing infrastructure to accommodate oversized residences on non-conforming, environmentally-constrained 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 net lot area is almost 56% less than the minimum lot area requirement. The proposal requires an 81.5% increase in the maximum Floor Area Ratio because the addition is larger than the existing building. The surrounding neighborhood is characterized predominantly by single-family residences with significantly smaller building footprints. A site plan with a floor area ratio variance of this magnitude will set a land use precedent that has the potential to change the community character of this neighborhood. In addition, the proposal requires a special permit, which by definition, is subject to a higher standard of review, as outlined in Section 255-28.J. The proposed addition must be scaled back to more closely conform to the R-1A zoning district bulk standards as

LEON & AIDEL GROSS (SV-806B)

they relate to the net lot area.

We offer the following additional recommendations on this proposal.

- 1 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of December 10, 2013.
- 2 The Floodplain Administrator for the Village of Spring Valley shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.
- 3 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 4 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is 390 feet east 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 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 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 Town of Ramapo 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 Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 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 latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- 7 The subject site is located within the R-1A zoning district. The application materials including the project narrative and site plan incorrectly indicate the R-1 zoning district. This information must be revised to reflect the appropriate zoning.
- 8 The bulk table indicates that the street frontage is 173.44. This is incorrect. The street frontage is just over 65 feet, and requires a variance. The bulk table must be corrected.
- 9 The site plan indicates that a second story addition is proposed on the existing residence. This addition is not mentioned in the project narrative. All application materials must be consistent.

LEON & AIDEL GROSS (SV-806B)



Thomas B. Vanderbeek, P.E.
Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Rockland County Drainage Agency
Rockland County Department of Health
Anthony R. Celetano P.E.
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Leon & Aidel Gross

Rockland County Planning Board Members

**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.

