



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

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July 17, 2015

Spring Valley Zoning Board of Appeals
200 N. Main Street
Spring Valley, NY 10977

Tax Data: 50.70-1-55

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

Map Date: 8/8/2012

Date Review Received: 6/18/2015

Item: *EIGHTY UNION ROAD LLC (SV-834)*

Variances for lot area, front yard (Anthony Drive and Union Road) and side yard to allow the construction, maintenance and use of a detached, two-family dwelling on .1929 acres in an R-1A zoning district.

East side of Union Road, west side of Anthony Drive, just north of Elm Street

Reason for Referral:

Town of Ramapo, 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 Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Union Road, approximately 30 feet southwest 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

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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.

2 A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.

3 The site plan submitted with this application includes a bulk table that indicates that the zoning designation is R-1. However, the R-2 bulk standards for detached, two-family dwellings are listed in the table. Detached, two-family residences are not permitted in the R-1 zoning district. While the application forms indicate that the parcel is in the R-2 zone, this department's mapping records specify an R-1A zoning designation. The zoning designation must be clarified. All application materials must be consistent.

4 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 increased residential density 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 Village must consider the cumulative and regional impacts of permitting such development.

5 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of June 23, 2015.

6 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 It appears that a variance is required for parking in the front yard. This variance is noted on the application form but not in the bulk table. All application materials must be consistent. The notice for the public hearing will have to be reissued if it did not include all required variances.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Demeza Delhomme, Spring Valley
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Eighty Union Road LLC

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

