



**COUNTY OF ROCKLAND**  
DEPARTMENT OF PLANNING

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County Executive

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DOUGLAS J. SCHUETZ  
Acting Commissioner

ARLENE R. MILLER  
Deputy Commissioner

October 7, 2014

Suffern Zoning Board of Appeals  
61 Washington Avenue  
Suffern, NY 10901

**Tax Data:** 54.52-2-27

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

**Map Date:**

**Date Review Received:** 9/9/2014

**Item:** JOHN SIVERBERG (SU-340)

Variance for maximum development coverage to allow the continued use and maintenance of a paved yard on .0589 acres in a 2R-5 zoning district.

Southwest side of Lonergan Drive, 95 feet southeast of Temple Lane

**Reason for Referral:**

Mahwah River

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***

In paving the entire yard, the applicant has eliminated all pervious surfaces resulting in a parcel with 100 percent development coverage. This is nearly three times greater than the maximum permitted development coverage of 35 percent. The applicant is seeking a development coverage variance of more than a 185 percent for a site located within the 100-year floodplain and the floodway limits of the Mahwah River, a county regulated stream. The project narrative indicates that a drainage pipe was also removed.

Since this area of the Village is subject to frequent flooding, a site with 100 percent development coverage gives rise to concerns about adequate storage of stormwater runoff. We recommend that the variance be denied, and pervious material replace some of the pavement in the back yard.

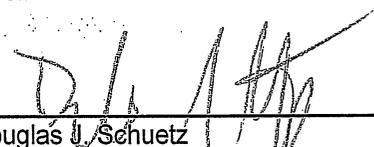
If the Village overrides this disapproval, we offer the following recommendations.

- 1 The applicant must comply with the conditions of the Rockland County Drainage Agency's letter of September 29, 2014.
- 2 There shall be no net increase in the peak rate of discharge from the site at all design points.

**JOHN SIVERBERG (SU-340)**

3 The Floodplain Administrator for the Village of Suffern shall certify that the paving is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

4 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Patricia Abato, Suffern  
Rockland County Drainage Agency  
Rockland County Department of Health  
Federal Emergency Management Agency  
Richard M. Ellsworth, Esq.

John Silverberg

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.*