



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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County Executive

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THOMAS B. VANDERBEEK, P.E.
Commissioner

March 17, 2014

ARLENE R. MILLER
Deputy Commissioner

Kaser Zoning Board of Appeals
P.O. Box 391
Monsey, NY 10952

Tax Data: 49.15-1-13

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

Map Date: 11/27/2013

Date Review Received: 2/18/2014

Item: 33 CALVERT DRIVE (K-44B)

Variances for rear yard and parking stall width to allow the construction, maintenance and use of a ten-unit, multiple dwelling on .4132 acres in the R-2 zoning district. The applicant previously applied for side setback, total side setback, rear setback, maximum development coverage and floor area ratio variances.

South side of Calvert Drive, 350 feet west of Route 306

Reason for Referral:

Town of Ramapo, NYS Route 306

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 November 27, 2013 site plan has not been revised to reflect that variances are required for rear yard and parking stall width. The site plan also does not indicate that the previously sought variances have been granted. A revised site plan must be submitted.
- 2 The application form must also be revised to reflect that variances are required for rear yard and parking stall width. The only documents that reference the additional variances required are those prepared by the Village of Kaser.
- 3 It is unclear whether the adjacent neighbors were properly notified of the additional variances required for this proposal. This must be clarified.
- 4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

33 CALVERT DRIVE (K-44B)

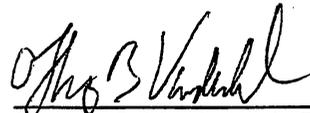
5 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is 100 feet east and west of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community 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.

6 The applicant must comply with the conditions of the Rockland County Health Department's letter of February 19, 2014.

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

8 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.



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

cc: Mayor Bernard Rosenfeld, Kaser
New York State Department of Transportation
Rockland County Department of Health
Rockland County Drainage Agency
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
Bernard Karniol

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

33 CALVERT DRIVE (K-44B)

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.

