



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Acting Commissioner

June 17, 2014

ARLENE R. MILLER
Deputy Commissioner

Kaser Planning Board
P.O. Box 391
Monsey, NY 10952

Tax Data: 49.19-1-8

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

Map Date: 11/14/2013

Date Review Received: 5/19/2014

Item: *JONATHAN STEIF (K-46)*

Special permit and site plan application for a nine-unit, multi-family residence on .2464 acres in an R-2 zoning district.

East side of Blauvelt Road, 325 feet south of Cedar Lane

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 On March 1, 2012, this department issued GML comments on a proposed zoning code amendment to allow multiple dwellings in the R-2 zoning district as a special permit use. Although we were not opposed to the addition of this special permit use in the R-2 zone, we did not support the decision to relax the bulk standards for this more intensive land use. It is not possible to determine if the proposed bulk standards were adopted based on the information submitted with this application. The site plan-survey includes a bulk table with only some of the R-2 bulk standards; what is actually proposed is not provided. The bulk requirements for front setback, side setback, total side setback, rear setback, street frontage, development coverage and floor area ratio are missing. The bulk table must include what is proposed in addition to all of the required bulk standards. It appears that variances are required for this proposal. All variances must be indicated on the bulk table.

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2 By definition, special permit uses are subject to a higher standard of review. The proposed multiple dwelling must comply with the general special permit standards outlined in Article X, as well as the standards for this use specified in Section 1008. No recreation or open space, or on-site amenities such as group seating areas or landscaping, are indicated on the map as required in Section 1008.A. The driveways are not clearly defined, and no walkways are provided as required in Section 1008.B. Section 1008.C. requires that garbage enclosures be designed for easy access when putting garbage in the containers and at the time of collection. The proposal must meet all of the requirements for the special permit use.

3 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern and southern property lines 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.

4 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

5 A review must be completed by the County of Rockland Department of Health and all required permits obtained.

6 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

7 There shall be no net increase in the peak rate of discharge from the site at all design points.

8 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.

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

10 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

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11 If any public water supply improvements are required, engineering plans and specifications for these improvements shall be reviewed by the Rockland County Department of Health prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

12 Driveways must be indicated on the site plan. Given the parking space layout, it appears that two separate driveways are necessary.

13 It will be difficult for sanitation workers to access the garbage enclosures if vehicles are parked in spaces 3 and 9. The garbage enclosures must be moved to a more accessible location.

14 The variances required to implement this proposal are subject to a review by this department as mandated under the New York State General Municipal Law.

15 The site plan, the application and the GML referral form all indicate that the tax lot number is 49.02-1-8. The correct tax lot number is 49.19-1-8. All application materials must be consistent.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Mayor Bernard Rosenfeld, Kaser
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Robert S. Murray L.L.S.
Town of Ramapo
New York State Department of State,
Division of Code Enforcement and Administration
Jonathan Steif

**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.

