

DEPARTMENT OF PLANNING

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Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

April 12, 2017

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

Tax Data: 49.19-1-2

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

Map Date: 2/1/2017

Date Review Received: 2/24/2017

Item: **44 CEDAR LANE (K-61)**

Special permit and site plan to permit a twelve-family multi-family dwelling in the R-2 zoning district on .446 acres.

North side of Cedar Lane, approximately 100 feet west of Blauvelt Road

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 Village shall be satisfied that the proposed multiple dwelling complies with the general conditions for special permit uses outlined in Section 1006, as well as the supplemental standards for this use included in Section 1008.
- 2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 A review shall be completed by the Rockland County Health Department and any required permits obtained. A well cap is illustrated on the site plan. The Health Department must ensure that this well is in compliance with all rules and regulations.
- 4 A review must be completed by the County of Rockland Sewer District #1 and all required permits obtained.

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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 All of the proposed parking spaces on the site are awkwardly configured, and would be extremely difficult to access, or impossible to use. Parking spaces #1 and 2 are now located over an existing sidewalk that ties into a staircase to units. Parking space #3 can only be accessed if parking space #4 is vacant. The location for parking spaces #4, 5 and 6 contain a block wall and trash containers. In addition, there is an incline if using this location for these three parking spaces. These spaces are also directly on the property line at the roadway, and will conflict with vehicular traffic entering and exiting the site. In addition, parking space #6 is being parked under the building overhang and is located directly in front of the existing stairs going to another unit. Parking spaces #7 and 8 are located along the main driveway to the site, and also impede access to stairways. The existing driveway is narrow, and these two parking spaces will further constrict safe passage into and out of the site to the parking spaces in the rear. Two way traffic is not possible even without these parking spaces, but locating vehicles in these two spaces will make travel more difficult and dangerous.

Parking space #9 will be extremely difficult to maneuver into and out of given the building corner and the stairway. Parking space #10 is also located directly adjacent to a stairway, and is tight to maneuver into or out of. Lastly, parking spaces #11 and 12 are difficult to access. They are located at the extreme end of the driveway, and sandwiched between the building wall and the chain link fence. Exiting these spaces will be extremely difficult, as there is no turnaround area. Parking spaces #7, 8, 9, 10, 11, and 12 will not allow a driver to turnaround to exit the site. In all cases, the parking is so constrained, that a vehicle will have to back up to exit. Compounding this with the fact that the driveway is narrow, and spaces #11 and 12 would have to make a right angle turn to exit, with no sight distance, these spaces are dangerous and virtually unusable. A twelve-family dwelling will also have many residents walking around the site, increasing the conflict between pedestrians and vehicles in a constrained site.

An off site parking plan must be provided, or the number of proposed units reduced so that adequate parking can be provided.

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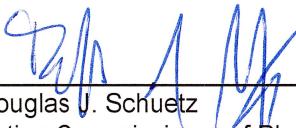
7 The site plan must contain topography so that it can be demonstrated that all parking spaces, as designed, can functionally work. Case in point is the difference in elevation along the driveway, where a block wall is currently located, and parking is proposed. Topography must be provided for the site.

8 The bulk table lists three variances that have been granted. Since the site is located within 500 feet of both a municipal boundary and a state highway, these variances must be referred to our Department for review, as required under the New York State General Municipal Law, Section 239l & m. These variances must be referred before any final approvals can be granted.

9 As indicated above, the garbage containers are placed at the end of the driveway where the three proposed parking spaces are drawn. No other location has been provided on the site plan for these trash receptacles. A garbage enclosure must be designated on the site plan, and demonstrate that it will have unimpeded access to both the residents and the sanitation workers who collect the refuse.

10 Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1, all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC). If this proposed multi-family dwelling meets the requirements of the Multiple Dwelling Rental Registry requirement, then the owner must register and obtain the MDRC. Failure to comply is a violation of Article XIII, which may result in penalties of \$2,000 per day.

11 The site plan shall include map notes that list all appropriate information, including the district details.



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 Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services

Anthony R. Celentano P.L.S.
Town of Ramapo

**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.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

