



# Rockland County

Ed Day, Rockland County Executive

## DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center  
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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

June 20, 2019

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

**Tax Data:** 49.20-1-18

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

**Map Date:** 3/8/2019

**Date Review Received:** 5/20/2019

**Item:** *MOSHE SAMUEL/1 RITA AVENUE (K-36A)*

Rear yard and rear setback variances to allow the construction of a 400 SF basement addition, with a deck above, to a two-family dwelling on .2760 acres in an R-2 zoning district.  
Northwest of Ida Road and Rita Avenue

### Reason for Referral:

Town of Ramapo

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 application materials indicate that the existing structure is a two-family dwelling. In 2008, this department received a GML referral for the variances required to construct a single-family dwelling. It is unclear when the structure was converted to a two-family dwelling and whether a GML referral was required at that time. Clarification must be provided.
- 2 A review must be completed by the Rockland County Sewer District #1, and all required permits obtained.
- 3 A review must be completed by the Rockland County Health Department to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 4 The proposed addition and the existing residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 5 The Floodplain Administrator for the Village of Kaser shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

**MOSHE SAMUEL/1 RITA AVENUE (K-36A)**

6 The Town of Ramapo is the reason this proposal was referred to this department for review. The municipal boundary is along the southern and eastern 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.

7 The parking requirement must be indicated on the site plan, and the parking spaces illustrated.

8 The measurements shown on the drawing are all taken from the residential structure not the porches, deck or window wells. Therefore, it is not possible to determine if all yard and setback standards are achieved. The proper measurements must be indicated on the map and conform to what is specified in the bulk table.

9 The incorrect zoning district is specified in Map Note 1. The R-15C zone is only found in the Town of Ramapo. The site is located in an R-2 zoning district. The map note must be corrected.

10 The zoning district and use group must be provided on the bulk table.

11 A north arrow must be provided on vicinity map, and the subject site centered.

12 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

13 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Deputy Mayor David Neiman, Kaser  
Federal Emergency Management Agency  
Monsey Fire District  
New York State Department of State  
Rockland County Office of Fire and Emergency Services

**MOSHE SAMUEL/1 RITA AVENUE (K-36A)**

Rockland County Department of Health  
Rockland County Sewer District #1

Anthony R. Celentano P.E.  
Town of Ramapo

Moshe Samuel

*\*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.*

