



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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C. SCOTT VANDERHOEF
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

September 12, 2013

ARLENE R. MILLER
Deputy Commissioner

Ramapo Zoning Board of Appeals
237 Route 59
Suffern, NY 10901

Tax Data: 56.08-2-30.1

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

Map Date: 6/21/2013

Date Review Received: 8/20/2013

Item: *CONGREGATION KHAL TORATH CHAIM, INC./212 MAPLE AVENUE (R-2112C)*

Variances for lot width, side setback, total side setback, rear setback, street frontage, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family residence with one accessory apartment on .2253 acres in an R-15C zoning district.

North side of Maple Avenue, 450 feet west of Suzanne Drive

Reason for Referral:

Village of Kaser

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 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 applicant is seeking a 60 percent increase in the maximum development coverage to allow 80 percent of the site to be developed. The ability of the existing infrastructure to accommodate increased residential density on non-conforming parcels 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 Town must consider the cumulative and regional impacts of permitting such development.

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2 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's letter of August 15, 2013 indicates that an aerial apparatus road is required for buildings over 30 feet. Since the proposed building is 35 feet, a New York State variance is required.

3 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is along the northern and western 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 Village of Kaser 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 Village of Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 Parking space # 4 is within the five-foot shade tree easement. The Director of Public Works shall determine if it is still possible to plant one tree for every 40 linear feet of shade tree easement as required in Section 258-3 of the Town Code.

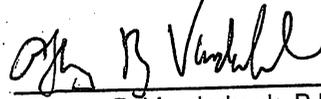
5 The bulk table and the Town of Ramapo Building Planning and Zoning Department's August 15, 2013 denial letter indicate that a rear setback variance is required for the deck. The site plan shows a deck on the west side of each residence. There is no deck proposed at the rear of the structure. Therefore, a rear setback variance is not required for any of the decks. This must be corrected on all application materials.

6 A 5,736 SF common easement area was illustrated on the August 11, 2006 Subdivision Sketch Plat. This easement area was proposed on the southern portion of the parcel along the Maple Avenue frontage. As noted on the map, the common easement area was "for ingress and egress, sewer, water and all utilities, and garbage collection, and parking." At that time, two semi-attached, three-family residences were proposed. The current map dated June 21, 2013 also shows this easement area. It now overlaps a portion of both residential buildings since detached, three-family residences are proposed resulting in a different building footprint. It may be appropriate to redraw the easement boundaries so that the buildings are not within the easement area.

7 The June 21, 2013 contains a second notation stating "Easements Per Filed Map 8040" on the northern portion of Lot 56.08-2-30.1. The designated easement area overlaps the proposed residential building. This easement was not included on the August 11, 2006 Subdivision Sketch Plat, and therefore its purpose is unclear. Clarification must be provided.

8 A dumpster enclosure must be shown on the map. It must not be immediately adjacent to parking spaces so that it can be easily accessed by sanitation workers and residents.

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

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Congregation Khal Torath Chaim, Inc.

**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.

