



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

Building T  
Pomona, NY 10970  
(845) 364-3434  
Fax. (845) 364-3435

C. SCOTT VANDERHOEF  
County Executive

THOMAS B. VANDERBEEK, P.E.  
Commissioner

October 2, 2013

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 56.12-1-3

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

**Map Date:** 8/20/2013

**Date Review Received:** 9/3/2013

**Item:** *KALMAN WEBER (R-1095D)*

Variances for front setback, front yard, side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-story addition to an existing two-family residence. A three-family residence with three accessory apartments is proposed on .3444 acres in an R-15C zoning district.

South side of Maple Leaf Road, 300 feet west of Roman Boulevard.

**Reason for Referral:**

Villages of Kaser and Spring Valley

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 bulk table on the amended plot plan indicates that only a variance for maximum development coverage is required for this proposal. The August 28, 2013 denial letter from the Town of Ramapo's Building, Planning and Zoning Department specifies that variances are also needed for front setback, front yard, side setback, rear setback and deck rear setback. Since the three-story dwelling proposed on the east side of the parcel in 2007 has not yet been constructed, and a more intense land use is now proposed, we concur with this interpretation. The bulk table must be corrected to reflect all required variances. All application materials must be consistent.

**KALMAN WEBER (R-1095D)**

2 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 50 percent increase in the maximum allowable development coverage. The ability of the existing infrastructure to accommodate increased residential density on non-conforming lots 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.

3 The Villages of Spring Valley and Kaser are the reasons this proposal was referred to this department for review. The Spring Valley municipal boundary is 75 feet south of the site; the Kaser municipal boundary is 215 feet northwest 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 Villages of Spring Valley and 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 Villages of Spring Valley and Kaser must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. New York State variances may be required for exit ways or ramps within 10 feet of the property line and an aerial apparatus road.

5 Additional information must be provided about the accessory apartments to determine if they comply with the standards outlined in Section 376-65 of the Ramapo Zoning Law.



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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  
Robert R. Rahnefeld  
Villages of Kaser and Spring Valley  
New York State Department of State,  
Division of Code Enforcement and Administration  
Kalman Weber

**KALMAN WEBER (R-1095D)**

*\*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.*

