



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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

EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

October 9, 2014

ARLENE R. MILLER
Deputy Commissioner

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.19-5-36.1

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

Map Date: 8/2/2014

Date Review Received: 9/10/2014

Item: *BLAUVELT HEIGHTS (R-2081B)*

Site plan to allow the addition of two accessory apartments within the existing semi-attached, three-family residence. Two additional parking spaces will be provided, and existing walks will be extended. The .2402-acre site is located in an R-15C zoning district. East side of Blauvelt Road, 200 feet north of Manor Drive

Reason for Referral:

Village of Kaser, 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 of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the northern 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 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

BLAUVELT HEIGHTS (R-2081B)

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.

- 2 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of August 21, 2014.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of August 26, 2014.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.
- 6 The development coverage calculation seems understated given the building footprint, the paved parking areas and the other impervious surfaces. A variance may be required. The project narrative states the impervious coverage for this lot and the lot to the south is 10, 379 SF. It does not specify the impervious coverage for just this lot. The lot coverage indicated on the August 2, 2014 map is 5,703 SF. The impervious area comprising this 5,703 SF must be clarified.
- 7 The residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.
- 9 The existing and proposed parking spaces must be clearly delineated in the field. Aerial photography taken in 2013 shows that there is no striping in the parking area.
- 10 It will be difficult for a vehicle to reverse out of the northernmost parking space. A turnaround area must be provided.
- 11 Given the location of the dumpster and the two proposed parking spaces, it will be difficult for residents to access the center staircase. The concrete walk on the north side of the building will also be blocked by parked vehicles. The applicant must ensure that residents on foot, including children, can safely access the staircase and sidewalks.
- 12 The addition of two accessory apartments in this three-family residence will result in a residential density of nearly 21 units per acre. The surrounding area is characterized by a mix of housing types including a large number of single-family residences. An R-15A zoning district is located 250 feet west of the site. The predominant land uses in this medium density residential district are one- and two-family homes. The visual impact of the large residential structure on the subject site must be mitigated. 2013 aerial photographs indicate that the unpaved area at the east side of the subject site and the adjacent lot to the south is overgrown and in need of maintenance. At the time of the final subdivision, a five-foot-wide shade tree easement was to be provided along the street frontages of all lots in accordance with Section 258-3. One tree was to be planted for every 40 linear feet of shade tree easement. These two parcels have a combined frontage of almost 150 linear feet. The Town's shade tree regulations require that at least three trees be planted within this shade tree easement. There are no trees in front of this building, or the semi-attached, three-family residence to the south. Trees must be planted, and the overgrown area must be landscaped and properly maintained.

BLAUVELT HEIGHTS (R-2081B)

13 Map Note # 5 indicates that the proposed use is a three-family, semi-attached dwelling with one accessory apartment. The map note must be corrected.

14 Map Note # 21 should not reference Section 239 n since a subdivision is not being proposed. Section 239 m applies to this application. The map note must be corrected.

15 The municipal boundary appears to be incorrect on the vicinity map. Our records indicate that the municipal boundary for the Village of Kaser is immediately north of the subject site.

16 Any variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Drainage Agency
Rockland County Office of Fire and Emergency Services
Atzl, Nasher & Zigler P.C.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Mordechai Bernfeld

**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.

