



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 6, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.07-4-41

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

Map Date: 6/25/2013

Date Review Received: 9/8/2014

Item: *CONGREGATION BLAUVELT (R-2447A)*

Variations for front setback, front yard, total side setback, rear setback, maximum development coverage and deck rear setback to allow the construction, maintenance and use of a three-family residence with two accessory apartments on .2065 acres in the R-15C zoning district.
East side of Blauvelt Road, opposite Hopal Road and 300 feet north of Maple Avenue

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 This department reviewed the variances required for an earlier version of this proposal in April of this year. At that time, the existing two-family dwelling was to remain with an addition to be constructed at the rear of the structure. The map included in the previous submission was dated June 25, 2013 with no revision dates. It showed an addition to the existing residential building as noted above. It is our understanding that the Town of Ramapo Zoning Board of Appeals denied these variances at their June 12, 2014 meeting.

The current submission includes a map also dated June 25, 2013 (with no revision dates) that illustrates a proposed three-family residence with two accessory apartments. The August 22, 2014 narrative included in this submission references a revised plan that addresses the concerns of the zoning board and the neighbors. While the map has been amended, it does not contain a revision date. This creates confusion and makes it difficult to ascertain which map is most current. In addition, the concerns of the zoning board and the neighbors are not specified, and there is no explanation as to what has been revised to address these concerns. We have also not received any minutes from the Ramapo Zoning Board of Appeals decision, as required under Section 239 - m6. We note that a completely new structure is proposed, and the extent of some of the bulk

CONGREGATION BLAUVELT (R-2447A)

standards have been reduced slightly. Clarification as to how these minor revisions satisfy the concerns of the board and the neighbors, and minutes from the previous zoning board of appeals meeting must be provided.

2 Pre-existing, non-conforming lots are given special consideration under Section 376-131 of the Town's Zoning Law. The bulk standards for several residential zoning districts are relaxed to accommodate the residential uses permitted by right in these zones. The subject site is 8,997 SF or 40 percent smaller than the minimum lot area required for new three-family residences in the R-15C zoning district. It is further compromised by an approximately ten-foot wide drainage easement that runs 100 feet from the Blauvelt Road frontage to the rear property line on the north side of the site. This 1000 SF is rendered useless for development purposes. Is this land area considered land under water and therefore subject to Section 376-42.A.?

Given that this site benefits from the application of Section 376-131 and is constrained by a large easement area, the proposed number of units shall be reduced. We recommend that the two accessory units be eliminated, and the building footprint be reduced.

3 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. In addition to several yard and setback variances, the applicant is seeking a 40 percent increase over the maximum allowable development coverage on an environmentally constrained site. 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.

4 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along the southern property line and 100 feet east 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.

5 A review shall be completed by the New York State Department of Transportation and any required permits obtained.

6 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of May 22, 2014.

CONGREGATION BLAUVELT (R-2447A)

7 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. If exit stairs or ramps are proposed within ten feet of the property, a variance will be required from Section 1024.3 of the New York State Building Code.

8 Like the previous site plan, the current proposal shows parking spaces 1 and 2 extending into the easement area. The northeast corner of the building is now closer to the drainage easement. Since there are no exterior stairs depicted on the current site plan, it is not possible to determine if their location will prevent vehicles from maneuvering in and out of parking spaces. No turnaround area is provided, so a vehicle parked in space 3 will have difficulty exiting. The applicant is attempting to accommodate an 8,000 SF residential building, and the required five parking spaces, on the 7,900 SF of useable land area on this parcel. A massive residential structure is inappropriate for this environmentally constrained site. As noted above, the building footprint must be reduced, and the accessory units eliminated.

9 The dumpster enclosure is no longer shown on the site plan. It must be easily accessible to sanitation workers; access must not be hampered by parked vehicles.



Douglas J. Schletz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
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
Abraham Einhorn

**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.

