COUNTY OF ROCKLAND

DEPARTMENT OF PLANNING

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August 11, 2014

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

Tax Data: 56.08-2-46

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

Map Date: 3/17/2014 **Date Review Received:** 7/11/2014

Item: ***CONGREGATION KOLEL BNEI BRAK, INC. - 18 SUZANNE DRIVE (R-2463)***

Variances to allow the addition of an accessory apartment and deck and stairs for an existing three-family dwelling in the R-15C zoning district on .27 acres, with less than the required side setback, rear setback, deck rear setback, and greater than permitted maximum development coverage.
East side of Suzanne Drive, approximately 160 feet north of Lenore Avenue

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 It is not evident from the site plan provided which deck and stairs are being added to the existing building. The site plan must clearly indicate the location of the proposed deck and stairs, and show all measurements from them.

2 The bulk table and June 26, 2014 letter from the Town of Ramapo Building, Planning and Zoning Department indicate that the rear setback is 29.8 feet. This measurement is not shown on the site plan. This measurement, as well as the two side yards that total 15.1 feet must be provided on the site plan.

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. The ability of the existing infrastructure to accommodate increased residential density 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.

CONGREGATION KOLEL BNEI BRAK, INC. - 18 SUZANNE DRIVE (R-2463)

4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. Since exit stairs are within ten feet of the building, a NYS variance will be required.

5 As noted in the Town of Ramapo Building, Planning and Zoning Department's June 26, 2014 denial letter, if the building height is over 30 feet, an aerial apparatus road is required.

6 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 480 feet west 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.

7 A dumpster enclosure must be shown on the site plan. Sanitation workers must have easy access to the dumpster.

Douglas J. Schuetz
Acting 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

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

CONGREGATION KOLEL BNEI BRAK, INC. - 18 SUZANNE DRIVE (R-2463)

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.