



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

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EDWIN J. DAY  
County Executive  
January 23, 2014

THOMAS B. VANDERBEEK, P.E.  
Acting Commissioner

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 56.07-4-5

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

**Map Date:** 11/10/2013

**Date Review Received:** 12/20/2013

**Item:** *MORRIS FRIEDMAN (R-2427)*

Variances for side setback, total side setback, rear setback, maximum development coverage, deck rear setback, wall/fence height and wall/fence setbacks, to allow the construction, maintenance and use of a three-family residence with three accessory apartments on .3076 acres in an R-15C zoning district. West side of Route 306, 670 feet south of Phyllis Terrace

**Reason for Referral:**

NYS Route 306, 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 A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 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 over the maximum allowable development coverage on a steeply-sloped, non-conforming parcel. Height and setback variances are required for the proposed retaining walls. Several setback variances are also required. 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.

**MORRIS FRIEDMAN (R-2427)**

3 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The November 27, 2013 denial letter from the Town of Ramapo Building, Planning and Zoning Department notes that an aerial apparatus road is required due to the steep slopes. It further indicates that a New York State variance is necessary because stairs or ramps are within ten feet of the property line.

4 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 306 immediately 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.



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

cc: Supervisor Christopher St. Lawrence, Ramapo  
New York State Department of Transportation  
Anthony R. Celentano  
Village of Kaser  
New York State Department of State,  
Division of Code Enforcement and Administration  
Morris Friedman

*\*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.*