



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

November 7, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.15-3-41

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

Map Date: 9/30/2014

Date Review Received: 10/7/2014

Item: *CHAIM Y. HIRSCH (R-2217A)*

Rear setback variance to allow the addition of a staircase at the rear of a three-family dwelling with two accessory apartments on .3627 acres in an R-15C zoning district. The residential building is under construction. Variances were previously granted for total side setback, rear setback and deck rear setback.

North side of Cedar Lane, 130 feet east of Dover Terrace

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 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is 365 feet north 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

CHAIM Y. HIRSCH (R-2217A)

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.

2 This department reviewed the variances required for the addition to the existing residential building in February of 2008. At that time, the single-family residence was to be converted to a three-family residence with one accessory apartment. A second accessory apartment is now proposed requiring a fifth on-site parking space. According to the bulk table, the addition of a second accessory apartment will not increase the proposed development coverage or floor area ratio. This must be clarified by including the calculations for development coverage and floor area ratio on the plot plan.

3 Additions to the current map include two staircases at the rear of the building, as well as a deck on the northeast side of the structure. The deck requires a variance for rear setback because it is ten feet from the property line. This variance was not part of the 2008 ZBA application. While a variance was granted for the deck on the northwest side of the building, a second deck was not proposed at that time. This variance is not included in the revised denial letter from the Town of Ramapo Building, Planning and Zoning Department dated November 6, 2014. All application materials must be consistent. The need for a second deck rear setback variance must be clarified. The public notice will have to be reissued if additional variances are required.

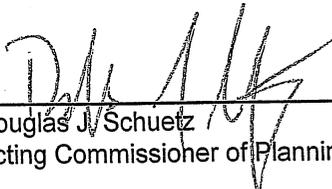
4 The staircases and decks proposed at the rear of the building overlap each other. It is unclear on which level the deck is proposed or which story the staircase serves. This must be clarified. As currently illustrated, this configuration does not appear possible.

5 The revised denial letter from the Town of Ramapo Building, Planning and Zoning Department dated November 6, 2014 indicates that a variance is also required for total side setback. This variance is not included in the bulk table on the September 30, 2014 Plot Plan. All application materials must be consistent. The public notice will have to be reissued if additional variances are required.

6 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.

7 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 It will be difficult for sanitation workers to access the garbage storage area if a vehicle is parked in space #1. The garbage storage area must be moved to a more accessible location.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency

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Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Robert R. Rahnefeld, P.L.S.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Chaim Y. Hirsch

**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.

