



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

November 3, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.07-4-14

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

Map Date: 2/7/2013

Date Review Received: 10/6/2014

Item: *KHAL TORATH CHAIM, INC. (R-2475)*

Variances for lot area, front setback, front yard, side setback, 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 three accessory apartments on .2302 gross acres (.2099 net acres) in an R-15C zoning district.

West side of Route 306, 475 feet north of Maple Avenue

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:

****Disapprove***

The gross lot area of this parcel is 10,026 SF, or 66.8 percent of the 15,000 SF minimum lot area requirement for a detached, three-family residence in the R-15C zoning district. Approximately 1,766 SF of this land area is within the designated street line for NYS Route 306 so the site is subject to lot area deductions. The net lot area is 9,143 SF. A minimum lot area variance of 39 percent is required. As a result, several significant yard and setback variances are also necessary. The proposed development coverage exceeds the maximum permitted by 40 percent.

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 on undersized lots 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.

KHAL TORATH CHAIM, INC. (R-2475)

In addition, the proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The September 15, 2014 denial letter from the Town of Ramapo Building, Planning and Zoning Department also includes comments from the Fire Inspector. He notes that exit stairs are not permitted within ten feet of a property line. An aerial apparatus road is required if the building is over 30 feet high. The applicant's engineer must show that there is sufficient water to meet the fire flows required by the Fire Code of New York State.

The designated street line is 15 feet west of the site's eastern property line. As currently configured, four of the six required on-site parking spaces are located within this 1,766 SF area. The dumpster enclosure straddles the designated street line. This is unacceptable since the purpose of the designated street line is to provide adequate widths for future road widening. All required off-street parking and accessory structures must be located beyond the designated street line. This proposal must be scaled back to more closely conform to the R-15C bulk standards and the New York State Uniform Fire Prevention and Building Code. A smaller building footprint and fewer units are more appropriate for this site. Less on-site parking will be required if the number of units are reduced, thereby minimizing the impervious surface area and protecting the designated street line.



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 Drainage Agency
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Anthony R. Celentano P.L.S.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Khal Torath Chaim, Inc.

Rockland County Planning Board Members

**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.