



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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DOUGLAS J. SCHUETZ
Acting Commissioner

September 22, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.11-2-82

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

Map Date: 7/15/2014

Date Review Received: 8/19/2014

Item: *MAZEL PROPERTIES, LLC (R-2443B)*

Variations are required for a two-lot subdivision of .6321 acres in the R-15C zoning district; a semi-attached three-family residence with three accessory apartments is proposed on each lot. Proposed Lot A will require variations for front yard, front setback, side setback, rear setback, deck rear setback, development coverage and wall height. Variations for front yard, front setback, side setback, rear setback, deck rear setback and development coverage are required for proposed Lot B. Additional variations are required for each lot for courtyard width and less than 50 percent of the buildings are attached at the property line.

North side of Lane Street, 240 feet west of Route 306

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 While this subdivision proposal results in two conforming parcels, the proposed residential buildings will both require several bulk variations. In addition to yard and setback variations, the applicant is seeking to increase the development coverage above the maximum permitted for this use in the R-15C zoning district. We believe that development proposals on newly created parcels must conform to the applicable bulk standards. The residential structures must be scaled back to meet the R-15C bulk requirements. This can be accomplished by reducing the building footprint and the number of residential units.

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

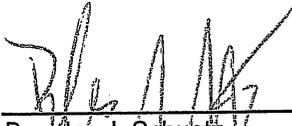
MAZEL PROPERTIES, LLC (R-2443B)

- 3 The applicant must comply with the conditions of the Rockland County Health Department's letter of August 6, 2014.
- 4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of August 5, 2014.
- 5 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is 325 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 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.

- 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 buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.
- 8 The August 19, 2014 memorandum from the Town of Ramapo's Building, Planning and Zoning Department indicates that variances are required for side yard and parking for both lots. These variances are not indicated on the bulk table on the July 15, 2014 map. The bulk table does note that a side setback variance is required for both lots. It also states that the on-site parking requirement is four spaces and that four spaces are provided on each lot. The on-site parking requirement is six spaces, and six spaces are depicted on each parcel. All application materials must be consistent. The required variances must be clarified. The public notice will have to be reissued if it did not include all of the required variances.

cc: Supervisor Christopher St. Lawrence, Ramapo
New York State Department of Transportation
Rockland County Department of Health



Douglas J. Schuetz
Acting Commissioner of Planning

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Rockland County Drainage Agency
Rockland County Sewer District #1
Civil Tec Engineering & Surveying PC
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Monsey Fire District
Mazel Management

**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.

