



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
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DOUGLAS J. SCHUETZ
Acting Commissioner

August 11, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.15-2-32

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

Map Date: 6/18/2014

Date Review Received: 7/11/2014

Item: *MOSDOS SANZ KLAUSENBERG OF MONSEY (R-867GG)*

Variances to allow an addition to an existing school building on .4944 acres in the R-15C zoning district. Required variances include: less than the required lot area, lot width, side setback, rear yard, parking, parking in the rear yard, less than the required recreation area, and distance of the fence to the property line.

West side of Gibbs Court, 100 feet north of Butterman Place

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 directly adjacent to the site at the western boundary. 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

MOSDOS SANZ KLAUSENBERG OF MONSEY (R-867GG)

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 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 an 80% increase over the permitted rear yard, a 60.5% increase over the required side setback, while only providing 50% of the required parking. Variances of this magnitude compromise the integrity of the zoning ordinance and must not be granted.

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

3 The May 28, 2014 memorandum from the Town of Ramapo Building, Planning And Zoning Department indicates that five bulk variances are required, in addition to some other code variances. Both the bulk table and the narrative from Celentano Engineering indicate that additional variances are required for total side setback, side yard, and maximum development coverage. The Town of Ramapo must determine if these three variances are also required. The public hearing notice may have to be revised to include these variances if it is determined that they are also needed to implement the proposed site plan. We request the opportunity to review these three variances as well.

4 The applicant has indicated that the number of students will be increased from 100 to 150 with the construction of the proposed addition. However, no information is provided regarding whether the number of employees will also increase. This information is necessary in order to determine the number of parking spaces needed for the site, as the zoning ordinance stipulates that 1.5 spaces are required per employee. The total number of employees (teachers, administrators, etc.) must be provided, and a parking calculation provided based on this figure.

5 Aerial photography taken in 2013 shows a large trailer at the rear of the existing structure in the designated play area. This department did not review the site plan proposal or any variances required for the installation of this trailer. The only recreational equipment visible on the aerial photography is a small plastic play structure in the southwest corner of the site. The remainder of the designated recreation space is a bare dirt area. The proposed addition will further reduce the play area to 2,800 SF or 1,700 SF less than the minimum required. This seems inadequate for 150 young boys. The play area must be enhanced with age-appropriate equipment and landscaping. Additional areas must be found on site to provide the required play area.



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 PLS
Village of Kaser

MOSDOS SANZ KLAUSENBERG OF MONSEY (R-867GG)

**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.

