



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

THOMAS B. VANDERBEEK, P.E.
Commissioner

March 6, 2014

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 49.19-5-24

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

Map Date: 1/7/2014

Date Review Received: 2/3/2014

Item: ROUTE 306 VILLAS II (R-2439) 2438A

Variances for front setback, front yard, rear setback, maximum development coverage, deck rear setback, wall height (side) and wall height (rear) to allow the construction, maintenance and use of a semi-attached, three-family residence with three accessory apartments on .2333 acres in an R-15C zoning district.

West side of Route 306, 100 feet south of Rita 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**

According to our mapping records, Lot 49.19-5-23 is a .4862-acre parcel, and Lot 49.19-5-34 does not exist. It has come to our attention that the owner of both lots, Congregation Bnei Arugath Habosem, chose to disclaim and abandon the original lot line designations on February 26, 2001 thereby creating one parcel. The subject proposal and the semi-attached, three-family residence with three accessory apartments proposed on Lot 49.19-5-23 each require a separate tax parcel. The Ramapo Tax Assessor's Office has informed this department that the lot disclaimer was rescinded as per a letter from Cheskel Grunwald dated 1/11/2002. They do not have a copy of this letter. Given this discrepancy, we recommend disapproval of this proposal until such time as the lot line disclaimer issue is resolved. At that time, the following recommendations will apply:

1 The applicant must comply with the conditions of the New York State Department of Transportation's letter of February 6, 2014.

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2 Four of the six required on-site parking spaces are located within the designated street line. Future New York State Department of Transportation improvements or road widening projects will result in the elimination of these spaces. This is unacceptable. All on-site parking must be located outside of the designated street line. A two-family residence will more closely conform to the R-15C bulk standards, and shall be considered.

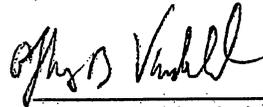
3 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is along Route 306, immediately east of the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent 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.

4 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 54.5 percent increase over the maximum permitted development coverage. 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.

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

6 It will be difficult for sanitation workers to access the dumpster enclosure if a vehicle is parked in space #4. The dumpster enclosure must be moved to a more accessible location.



Thomas B. Vanderbeek, P.E.
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.

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Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Route 306 Villas II

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.

