



**COUNTY OF ROCKLAND**  
**DEPARTMENT OF PLANNING**

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EDWIN J. DAY  
County Executive

DOUGLAS J. SCHUETZ  
Acting Commissioner

October 30, 2014

ARLENE R. MILLER  
Deputy Commissioner

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

**Tax Data:** 49.20-3-62

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

**Map Date:** 8/8/2014

**Date Review Received:** 10/6/2014

**Item:** *MARVIN RUBINSTEIN (R-2433A)*

Variations for front setback, front yard, 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 .2816 acres in an R-15C zoning district. While variations were granted for an earlier version of this proposal, a redesign has necessitated additional variations. West side of Francis Place, 200 feet north of Ida Road

**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 220 feet southwest 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-n 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

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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 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of April 3, 2014.

3 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 40 percent increase over the maximum permitted development coverage, as well as yard and setback variances. The ability of the existing infrastructure to accommodate this increased residential density on non-conforming 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.

4 The proposed residential building must comply with all requirements of the New York State Uniform Fire Prevention and Building Code. The Town of Ramapo Building, Planning and Zoning Department's September 12, 2014 denial letter includes comments from the Town's Fire Inspector. He notes that the applicant's engineer must show that there is significant water to meet the fire flows required by Section 508.3 of the NYS Fire Code. In addition, if the building is over 30 feet in height, an aerial apparatus road is required.

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

6 The proposed deck and staircase on the northeast corner of the building overlap. It is unclear on which floor the deck is proposed or if there is sufficient clearance between the deck and the staircase. This must be clarified.

7 Variances were previously granted for front setback, front yard, total side setback, rear setback, maximum development coverage and deck rear setback. The extent of the rear setback and deck rear setback variances has increased. The maximum development has remained the same. The magnitude of the front setback, front yard, total side setback and rear setback variances is less than what was granted by the ZBA earlier this year. It is therefore unclear whether new variances are required for front setback, front yard, total side setback, rear setback and maximum development. This must be clarified.

  
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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  
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

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*\*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.*

