



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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July 1, 2015

Ramapo Planning Board
237 Route 59
Suffern, NY 10901

Tax Data: 49.19-6-12.2 49.19-6-12.1

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

Map Date: 12/7/2014

Date Review Received: 5/28/2015

Item: 11 CEDAR LANE (R-2441A)

Revised application for a two-lot subdivision of .513 acres in the R-15C zoning district. The six condominium owners are seeking approval to add an accessory apartment to each unit of the existing semi-attached, three-family residences. It should be noted that the accessory apartments are already built.

South side of Cedar Lane, 65 feet east of Crown 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****

It is our understanding that this parcel was subdivided in 2007. The subdivision map filed on June 19, 2007 included a map note (# 37) that stated, "No accessory apartment will be applied for." It shall be noted that the Town of Ramapo did not refer the original subdivision application to this department for review as mandated by Section 239N of the New York State General Municipal Law. We therefore offer the following recommendations retroactively on a parcel that is already subdivided and developed.

1 As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

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2 The Village of Kaser is the reason this proposal was referred to this department for review. The municipal boundary is approximately 365 feet north and 500 feet east of the subject site. As required under Section 239nn of the State General Municipal Law, the Village of Kaser must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Ramapo.

3 It is our understanding that the three accessory apartments were illegally constructed when the three-family residence was originally built. This is in direct violation of Map Note 37 on the filed subdivision map. As per Section 376-65.G., only one accessory apartment is permitted in a three-family residence situated on a lot that is less than 75 feet wide. The surrounding neighborhood is characterized by smaller single-family residences. Allowing more than one accessory unit will set a land use precedent that will prompt neighboring property owners to seek the same relief. This will result in a change in the community character of this area. We believe the limitation on the number of accessory units for lots narrower than 75 feet is reasonable and must be enforced. The second and third accessory units must be eliminated.

4 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of June 1, 2015.

5 Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.

6 The residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

7 A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town Fire Inspector and the Monsey Fire District to ensure that there is sufficient maneuverability on-site for emergency vehicles.

8 The nearest fire hydrant shall be shown on the site plan.

9 Available aerial photography shows two large vehicles parked in spaces 1, 2 and 3 on both parcels. A third vehicle will not fit in these parking areas. All required on-site parking must be provided.

10 It will be difficult for sanitation workers to access the dumpster enclosures if vehicles are parked in spaces 4 and 5 on either parcel. The dumpster enclosures must be moved to a more accessible locations.

11 The existing frame shed in the southeast corner of Lot 49.19-6-12.1 straddles the eastern property line. It must be removed or relocated.

12 The rear deck on the west side of the residential structure on Lot 49.19-6-12.2 is partially within the drywell easement area. The Town must clarify whether any structures are permitted within an easement area that serves a stormwater management purpose.

13 There shall be no net increase in the peak rate of discharge from the site at all design points.

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14 Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

15 The variances required for this proposal are subject to a review by this department as mandated by the New York State General Municipal Law.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Drainage Agency
Rockland County Department of Health
Rockland County Sewer District #1
Rockland County Office of Fire and Emergency Services
Monsey Fire District
Anthony R. Celentano, PLS
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
11 Cedar Lane LLC

**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.

