



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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EDWIN J. DAY
County Executive

DOUGLAS J. SCHUETZ
Acting Commissioner

February 24, 2015

ARLENE R. MILLER
Deputy Commissioner

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

Tax Data: 56.07-4-51

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

Map Date: 1/7/2015

Date Review Received: 1/26/2015

Item: *142 BLAUVELT ROAD, LLC. (R-2301B)*

Variances for lot area, lot width, side yard, rear setback, street frontage, maximum development coverage, deck rear setback, number of accessory units, maximum building height and courtyard width to allow a two-lot subdivision of .3443 acres in an R-15C zoning district, and the construction of a semi-attached, three-family residence with two accessory apartments on each parcel.
East side of Blauvelt Road, 15 feet south of Manor Drive

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 Variances were previously granted to permit the construction, maintenance and use of a detached three-family residence with three accessory apartments on this .3443 acre. According to the project narrative submitted with the current application, that structure is under construction. The property owner now seeks to subdivide the property into two undersized parcels each requiring eight variances ranging in magnitude from 20 to 50 percent. Variances are also required for the second accessory units proposed in each residential building. Courtyard variances are needed. We believe this proposal will result in an overutilization of the property as evidenced by the number and extent of the variances needed to implement it. The footprint of the residential structures must be reduced, and the second accessory units must be eliminated so that the proposal more closely conforms to the R-15C bulk standards. We offer the following additional recommendations.

2 Section 376-65.G.(3) prohibits more than one accessory unit in a three-family residence on a parcel less than 75 feet wide. The proposed lots are only 50 feet wide. As noted above, the second accessory units must be eliminated.

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3 The Town must consider the land use precedent that will be set by approving this two-lot subdivision and granting these bulk variances. The surrounding area is characterized by similarly sized parcels. If nearby property owners seek the same relief, the community character of this neighborhood will change.

4 As noted above, 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 proposes to create two undersized parcels and construct residences that will require numerous variances. The ability of the existing infrastructure to accommodate increased residential density on undersized 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.

5 The Village of Kaser is one of the reasons this proposal was referred to this department for review. The municipal boundary is 190 feet east and 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 proposed residential building.

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

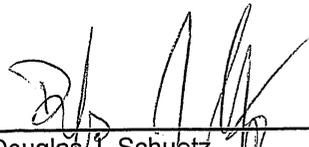
7 The proposed residential buildings must comply with all requirements of the New York State Uniform Fire Prevention and Building Code.

8 The applicant must comply with the conditions of the Rockland County Sewer District No. 1's letter of December 8, 2014.

9 It will be difficult for sanitation workers to access the dumpster enclosures if vehicles are parked in spaces 2 and 5 on Lot 1, and spaces 2 and 3 on Lot 2. The dumpster enclosures must be moved to more accessible locations.

10 The need for a courtyard variance is noted in the project narrative and the bulk table. This variance is not included in the Town of Ramapo Building, Planning and Zoning Department's January 26, 2015 denial letter. All application materials must be consistent. The public hearing notice will have to be reissued if it does not include all the required variances.

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Douglas J. Schuetz
Acting 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
Monsey Fire District
Anthony R. Celentano P.L.S.
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Samuel Wettstein

**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.

