



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

EDWIN J. DAY
County Executive

Building T
Pomona, NY 10970
(845) 364-3434
Fax. (845) 364-3435

DOUGLAS J. SCHUETZ
Acting Commissioner

ARLENE R. MILLER
Deputy Commissioner

May 15, 2015

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

Tax Data: 56.07-3-47

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

Map Date: 3/26/2015

Date Review Received: 4/21/2015

Item: *BLAUVELT ESTATES LLC (R-2494A)*

Variations are required for a three-lot subdivision of .60 acres in an R-15C zoning district and the residential buildings proposed on each parcel. A three-family residence with three accessory apartments is proposed on Lot 1; a semi-attached, three-family residence with one accessory apartment is proposed on Lots 2 and 3. Lot 1 will require variations for lot area, front setback, front yard, side setback, total side setback, rear setback and development coverage. Lots 2 and 3 require variations for lot area, lot width, front setback, front yard, rear setback, deck rear setback, rear yard, street frontage and development coverage.

West side of Blauvelt Road, approximately 200 feet south of Cameo Ridge Road

Reason for Referral:

Village of Kaser, NYS Route 306

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***

The minimum lot area requirement in the R-15C zoning district ranges from 10,000 SF for semi-attached one-, two- and three-family residences to 15,000 SF for detached one-, two- and three-family residences. The subject .60-acre assemblage can yield two conforming 10,000 SF lots or one conforming 15,000 SF lot. The applicant is proposing three lots, all of which are undersized. Two semi-attached, three-family residences with one accessory apartment, are proposed on Lots 2 and 3 which are 7,518 and 7,654 SF respectively. Minimum lot area variations of 24.8 and 23.5 percent will be required for these lots. A detached three-family residence with three accessory apartments is proposed on a 10,771 SF lot requiring a minimum lot area variance of 28 percent. This lot area variance is not indicated on the bulk table. Development coverage variations ranging from 36.4 to 54.5 percent are required for the three lots. Lots 2 and 3 do not meet the minimum lot width requirement and will not have frontage on a public street.

BLAUVELT ESTATES LLC (R-2494A)

Aerial photography flown in 2000 shows a single-family residence on this parcel; 2004 aerial photography indicates an enlarged structure. The single-family residence was converted to a three-family residence between 2000 and 2004. The applicant is now seeking a nearly five-fold increase in the number of units. The proposed residential density is more than 23 units per acre.

It is not clear why the proposed subdivision lot configuration has been designed as such. The lot shape, particularly for Lot 3, is awkwardly configured. What is the purpose of the 13-foot wide leg on this lot, as no access or other easements are being proposed in this area? A subdivision design that provides regular-shaped parcels must be provided. In addition, all necessary cross or access easements must be shown on the plans. If utility easements are also required, areas must be delineated for these easements on the plans, and any lot area deductions, if applicable, subtracted from the lot area totals. The deduction for easements would further reduce the lot areas, which are already deficient for the proposed uses.

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

The April 20, 2015 denial letter from the Town of Ramapo Building, Planning and Zoning Department includes comments from the Chief Fire Inspector. It appears that variances from the standards of the New York State Uniform Fire Prevention and Building Code will also be required for this proposal. While the buildings are ten feet from the property line, exit stairs or ramps are not indicated, and are not permitted within ten feet of the property. An aerial apparatus road is required because the buildings are over 30 feet in height. The fire inspector also notes that the applicant's engineer must show that there is sufficient water to meet the requirements of the State code, and that a fire hydrant must be within 600 feet along an approved route.

The proposed subdivision and subsequent residential development will result in a gross overutilization of the site as evidenced by the number and magnitude of the variances required to implement it. The number of lots must be limited to two. Only two three-family residences shall be permitted. A proposal that more closely conforms to the R-15C bulk requirements must be presented for review.



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
Civil Tec Engineering Surveying PC
Village of Kaser
New York State Department of State,
Division of Code Enforcement and Administration
Blauvelt Estates LLC

BLAUVELT ESTATES LLC (R-2494A)

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.

