



COUNTY OF ROCKLAND
DEPARTMENT OF PLANNING

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Acting Commissioner

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July 2, 2015

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

Tax Data: 49.19-6-8

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

Map Date: 4/6/2015

Date Review Received: 6/5/2015

Item: *CEDAR VILLAS (R-2505)*

Variances to allow the construction of a proposed three-family dwelling with three accessory apartments in the R-15C zoning district on .34 acres. Needed variances include: less than the required front yard, front setback, side setback, total side setback, rear setback, rear deck setback; and greater than permitted development coverage.

South side of Cedar Lane, approximately 385 feet west of Blauvelt 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 200 feet 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 county-wide 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 which is supportive of the goals and objectives of the general area. Those areas of countywide concern, including but not limited to traffic, drainage, stormwater management, sewer capacity, water supply and community character, that directly impact the Village of Kaser must be considered and satisfactorily addressed.

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2 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 50 percent increase over the maximum permitted development coverage. The ability of the existing infrastructure to accommodate increased residential density in non-conforming structures 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.

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

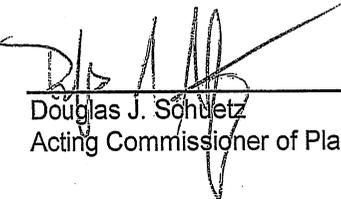
4 A turnaround must be provided in the parking area to eliminate the need for vehicles to have to back out of the driveway. It will be difficult for vehicles in spaces #1 and #3 to maneuver out of these spots without a turnaround area. In addition, if a vehicle is parked in space #1, it will be difficult for a vehicle parked in the garage (parking space #2) to exit. The size of the building must be reduced so that all parking spaces can be accessible and a proper turnaround area provided, and maneuverability on the site possible without having to back out of the spaces.

5 A dumpster enclosure must be shown on the site plan, and be easily accessible to sanitation workers. Parked vehicles must not block access.

6 The proposed development coverage exceeds the allowable coverage by 50%. To reduce the amount of impervious surfaces and stormwater runoff, pervious pavers must be provided for the paved surfaces, such as the driveways, and parking areas.

7 If the existing well will no longer be used following the proposed site development, a formal notation on the approved plans must specify that the well will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.

8 The May 18, 2015 letter from the Town of Ramapo Building, Planning & Zoning Department lists six variances required in order to construct the proposed three-family residence with three accessory apartments. The bulk table indicates that an additional variance for front setback will be needed. The Town should verify whether this additional variance is required. If so, then they should make sure that the public hearing notice includes this bulk variance.



Douglas J. Schletz
Acting Commissioner of Planning

cc: Supervisor Christopher St. Lawrence, Ramapo
Rockland County Department of Health
Rockland County Drainage Agency
Rockland County Sewer District #1
Anthony R. Celentano P.L.S.
Village of Kaser

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

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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.

